

# LEGISLATIVE ASSEMBLY

Thursday 10 November 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.

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

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

## PROTECTION OF THE ENVIRONMENT LEGISLATION AMENDMENT BILL 2011

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

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

## CRIMES (SENTENCING PROCEDURE) AMENDMENT (CHILDREN IN VEHICLES) BILL 2011

Bill received from the Legislative Council and introduced.

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

## BUDGET ESTIMATES AND RELATED PAPERS

### Financial Year 2011-2012

Debate resumed from 9 November 2011.

**Mr MARK SPEAKMAN** (Cronulla) [10.04 a.m.]: It gives me great pleasure to speak in this debate. The budget delivered in September will bring the State's finances back into control and allow the O'Farrell Government to perform the core function of State government: to deliver top-quality infrastructure and top-quality front-line services. To be able to deliver the best infrastructure and services possible in this State we need to have our house in order financially and we need to balance the budget to allow for future expenditure in those areas. The Government has had to make some tough decisions due to the fiscal mess it was left with by the former Government: for example, ensuring that the wages policy put in place by the former Government in 2007 is followed, not paying workers who do not have a job, implementing voluntary redundancies similar to the Queensland Labor Government, and unlocking funds from the Sydney Desalination Plant and Port Botany.

The Sydney Desalination Plant is in my electorate. The refinancing of that plant, based on market estimates, will allow up to \$1.5 billion or more to be spent on essential infrastructure in New South Wales. The budget regains control of the State's finances. It will deliver a turnaround of \$5.2 billion over the next four years and, at the same time, ensure that the Government funds its election commitments. This will mean that the budget will be in modest surplus from 2012-13 and these measures will protect the State's triple-A credit rating. As I said, unless we fix up the fiscal mess that we were left with the Government will not have the money to be spent on infrastructure and quality services that is needed. The Government is not focused on middle management or backroom operators; it is focused on restoring and rebuilding front-line services in New South Wales.

In this budget \$102 million will be spent on more express train services. The budget will deliver record spending on health of \$17.3 billion—a 50 per cent increase in spending on health capital works over the next four years compared with the actual expenditure over the previous four years. It will also deliver 940 of the 2,475 more nurses who have been promised over the next four years, and 662 hospital beds. Education expenditure will increase by \$1 billion compared with last year, and \$261 million has been allocated for the

Literacy and Numeracy Action Plan, which will include 900 more teachers over the next five years. Law and order is another important front-line service. The budget will deliver \$214 million for 550 additional police officers as part of the Government's commitment for 16,356 officers by June 2014, and \$131 million for new police stations and station upgrades.

The budget will also deliver record infrastructure spending to address the building backlog left by 16 years of neglect under Labor. The infrastructure commitment of \$62.5 billion to 2014-15 is the biggest infrastructure commitment in the State's history—12.4 per cent, or \$6.9 billion, more on infrastructure compared with the previous four years. As I said earlier, spending on hospitals and health capital works will be \$4.7 billion—50 per cent higher than that over the previous four years. The budget will take action to deliver on key transport projects, including the North West Rail Link and the South West Rail Link, and the upgrade of the Pacific and Princes Highway. Some \$6.3 billion will be delivered for transport infrastructure in 2011-12—an increase of 9.5 per cent on last year—and it will include a \$3.2 billion investment in roads in 2011-12, including \$1 billion for the Pacific Highway.

How we look after the most vulnerable in our community is a sign of our civilisation: this budget delivers on that. The O'Farrell Government's first budget includes a record \$1.4 billion in new growth funding for disability services as part of the five-year, \$2 billion, Stronger Together II program. This new funding will build disability services capacity by about 47,000 new places and will provide a foundation to transform disability services whether or not national reform takes place. It is the largest funding commitment to disability services in New South Wales history and it is the largest yet made by any government in Australia. We can only have the money to spend if we can raise it and we can only raise revenue if we have strong economic growth in New South Wales. This budget is committed to that. For example, the Government is targeting 100,000 new jobs by providing a payroll tax rebate to employers—the equivalent of one year's average payroll tax bill for each new employee for the first year on the job.

I refer now to the implications of the budget for my electorate of Cronulla. Under this budget we are investing \$2.5 million at Sutherland Hospital for eight additional acute care beds and \$1 million to increase planned surgery and improve waiting times for patients. The South East Sydney Local Health District, of which Sutherland Hospital is a part, will benefit from an additional 110 nurses. We have pledged \$10 million to expand car parking at Sutherland Hospital and planning for that is proceeding. That will improve parking access for patients and the hardworking staff at Sutherland Hospital. The form that the additional car spaces take will be a question for the board to decide with input from the staff and the community.

Funding will be provided for two projects on Captain Cook Bridge, which joins the electorates of Cronulla and Rockdale over the Georges River. Firstly, safety barriers will be built on the approach to the bridge and over the bridge and, secondly, concrete repair work will be done on the piers. Those projects are part of the \$4.5 million that will be spent in Cronulla by the Roads and Traffic Authority alone. Six years after a double fatality sparked calls for a median safety barrier to be erected on Captain Cook Bridge the work will finally be carried out. As a result of the \$900,000 project under a black spot program there will be a median barrier hopefully covering the full length of the bridge and its approaches. In the five years to June 2009 there were 19 injury crashes on the bridge and its approaches. Two of those accidents were head-on. Seven of those accidents had the potential for a head-on collision because vehicles had crossed to the wrong side of the road.

At the moment only the northern approach has a barrier to prevent head-on collisions. The existing concrete barrier on the northern side of the bridge will be extended 300 metres and a 650-metre long concrete median barrier will be erected on the southern approach. The figures I quoted are frightening—19 injury crashes in five years, two head-on accidents and a further seven with the potential for that. It is surprising this action has not been taken before now, but we are getting on with the job. In summary, looking statewide, this is a budget that gets back to basics and delivers on infrastructure and quality services. That is happening throughout New South Wales and certainly in my electorate of Cronulla to address particular needs at Sutherland Hospital and on our roads. It is a budget that puts people first and a budget that puts infrastructure and quality services first, and I commend it to the House.

**Ms MELANIE GIBBONS** (Menai) [10.12 a.m.]: We all knew that this year's budget day—the Liberals and Nationals' first budget—was going to be tough. We expected to tighten our belts and make do as best we could as the Treasurer began to rebuild the New South Wales economy after 16 years of mismanagement by Labor. This budget is the Government's movement towards a stronger, brighter future for New South Wales. It takes direct action to rebuild New South Wales by repairing the State's finances, improving vital services and building the essential infrastructure needed to put New South Wales back in its rightful

position as the number one State. We know that we must bring the debt under control and take charge of the future for the people of this State. This Government has a duty to fix the services that people rely on every day. This budget puts us on that track.

This budget delivers 900 more teachers, 2,475 more nurses and 550 police officers and a plan to tackle the building backlog left by Labor. The budget also includes a five-year \$2 billion program for disability services, which is the largest funding commitment to disability services in the nation's history. It is a cause close to my heart and I applaud the New South Wales Government for making such a commitment to an area that is often overlooked for funding. This is a fantastic start and I look forward to seeing the results as we are able to support more vital services for people with disabilities.

I was pleased to see that my own electorate's needs were heard. The people of Menai are in need of better roads, public transport, improved hospital services and infrastructure. As recipients of part of more than \$17 billion in funding for New South Wales hospitals and patients, Liverpool and Sutherland hospitals have received much-needed boosts. Spending on hospitals and health capital works over the next four years is \$4.7 billion, which is 50 per cent higher than over the past four years. This is particularly important to my local communities as we have two heavily utilised hospitals in Liverpool and Sutherland. Both hospitals desperately need this extra funding to continue to maintain their high level of care and service to the community. Liverpool Hospital will receive 56 more beds following the commissioning of the new building works over the coming months. This is a \$60.86 million commitment. Liverpool Hospital is now one of the largest hospitals in the Southern Hemisphere and the New South Wales Government's commitment to stage 2 of the redevelopment is an exciting milestone.

**Mr Chris Patterson:** Very exciting.

**Ms MELANIE GIBBONS:** It is very exciting, and much needed. Extra beds will put Liverpool Hospital at the heart of the highest quality healthcare services for people in south-western Sydney. Further funding has also been allocated for a \$19.75 million upgrade to existing car park facilities on the hospital grounds. With car parking severely lacking in Liverpool, this will take a great deal of pressure off people when visiting friends and family and hopefully help staff to find parking so that they can do their jobs and be supported. Sutherland Hospital has also secured critical funding for specialist beds and much-needed car park upgrades. At Sutherland Hospital \$2.5 million will be invested for eight additional acute care beds and \$1 million for more surgery to reduce waiting times, and planning for the car park upgrade is proceeding. The car park upgrade will help to alleviate congestion and illegal parking around the hospital grounds.

Our roads are another area in constant need of more funding and repairs. Deadmans Creek Bridge has long been a black spot for motorists due to its narrow confines and the camber of the bridge. I have been contacted by many of my constituents asking for something to be done about the safety of this bridge. I welcome the Government's promised funding of \$500,000 for the planning of the Deadmans Creek Bridge widening. The proposed upgrade of the bridge, due for completion in 2014, will improve traffic flow and safety on Heathcote Road. As someone who travels on that road most days, I look forward to seeing a better solution for this black spot that will address the community's concerns. The community has long expressed concerns about the bridge so it is great to see the Government following through on this election commitment and listening to the local community.

I was pleased that the roads Minister, Duncan Gay, visited this site with me in July and saw the need for this upgrade. He announced that the Roads and Traffic Authority had begun investigating options for the upgrade of Deadmans Creek Bridge. It is clear that with this budget announcement the Government also believes that the widening of Deadmans Creek Bridge is an important win for the safety of the motorists and the local community. Initial investigations have already been carried out to assess suitable upgrades to improve road safety on this dangerous stretch of road. This funding will allow for further planning work, including geotechnical and hydraulic investigations. It was one of our election commitments to see the upgrade of Deadmans Creek Bridge delivered for our community and I am pleased to confirm that this is now in motion.

Another issue for motorists in my electorate is the Alford's Point Bridge. It is currently in the final stages of major upgrades that will ease traffic congestion and improve flow during peak times: \$750,000 has been allocated in 2011-12 to commence planning for a possible future upgrade of the southern approach. This funding will investigate the best ways to improve access to the bridge for local residents, particularly during peak times. It is good to see that there is a vision for the future of this important bridge. For added community road safety, a new safety barrier has been funded in Sutherland at River Road and Linden Street—\$450,000.

Important projects such as this one help to improve safety for the residents. This also demonstrates that the community has been heard and a positive solution has been found. I received notification just this week that those works are about to start. Another priority in our area is law and order services. One very important project is the \$18 million upgrade to Liverpool Police Station. Work began in 2009 and the final stage is due to be completed in 2014.

The announcement by this Government of a further \$3 million towards the project is a positive step forward for the Liverpool Local Area Command. This is a massive upgrade to a core service in Liverpool. This continued funding will help bring the new and improved Liverpool police station closer to completion. I look forward to seeing the local area command out of their temporary accommodation and moving into their new premises as soon as possible. The upgrade will help police officers in their day-to-day duties and give them state-of-the-art facilities to support them in their important role. As Liverpool is one of my local area commands I appreciate the hard work carried out by the command and this funding will ensure that this unit has the facilities it deserves.

I am pleased also to confirm that \$4.4 million of funding has been announced to commence the refurbishment of Liverpool courthouse. Although the member for Liverpool has publicly expressed his doubt about the commencement, here it is. I believe the refurbishment of the Liverpool courthouse, coinciding with the massive upgrade of the Liverpool police station, will establish a brand new face for law and order in the Liverpool area. The funding will include building code compliance upgrades, new engineering services, improved access for people with a disability, a new lift, a new registry, a new front entrance and security scanning area, improved facilities for the legal profession and improvements to the cells. An additional courtroom is being considered as part of the design process, which will help take the strain off an already busy courthouse. These upgrades will improve the courthouse both for staff and for visitors. The investment in restoring the existing Liverpool courthouse to today's standards is long overdue and I look forward to seeing the end result.

I was pleased to see we are also delivering on the South West Rail Link, with \$292 million invested in 2011-12, including 10.5 kilometres of twin track between Glenfield and Leppington, two new stations—Edmondson Park and Leppington—and a car parking and train stabling facility at Rossmore. While not based in my electorate, this line will run through and service many of my constituents and their families. It is always good to see improved public transport options in south-west Sydney. The Minister for Transport, the Hon. Gladys Berejiklian, recently came out to Menai to praise a State Transit Authority bus driver, Mr Stuart Molloy, on his great service after we received a lovely letter from Margaret Butz praising him on his service. It was great to see the Minister out there thanking him and acknowledging the hard work and hours and efforts that our bus drivers put in.

Some causes do not require large funding but they do make a huge difference. We have seen a boost in funding for community transport to the south-west, Sutherland Shire, Gandangara and Liverpool. These services make such a difference in people's lives and I am glad the funding is there to support them. To get people to and from their medical appointments and help them do their shopping is incredibly important and helps to reduce some of the isolation that our community experiences. The first budget of the New South Wales Liberal-Nationals Government delivers on our commitments and starts the process of rebuilding the State. I will be proud to see it passed by the House.

**Mr BRUCE NOTLEY-SMITH** (Coogee) [10.22 a.m.]: Today I commend the New South Wales Treasurer on a strong budget, a budget to get this State moving again. For too long this State has been hampered by obstacles blocking the tracks of progress in this once great State, but one by one we are removing the obstacles and clearing the way for a prosperous future. This budget will rebuild the economy, repealing Labor's homebuyer's tax, introducing regional relocation grants and a \$4,000 dollar payroll tax rebate for new full-time jobs.

Destination NSW has already been created, backed by an expenditure of \$400 million over the next four years, and it will bring in more great events and people, not only to Sydney but also to the rest of New South Wales. We are already seeing the benefits, with Tiger Woods already in Sydney for the Australian Open, starting tomorrow just outside my electorate at The Lakes Golf Club, one of the finest golf courses this State has to offer. I think members will agree that Tiger Woods is and always was going to be a far better investment than Brian Eno ever was. Destination NSW is about more than sport—this Government has also announced that *The Addams Family*, *Annie*, *Strictly Ballroom*, *Richard III* with Kevin Spacey, *La Traviata*, *Dr Zhivago* and *Legally Blonde* will be coming to our shores in the near future, thanks to our great Minister for the Arts, the Hon. George Souris.

**Mr Chris Patterson:** *Mary Poppins*.

**Mr BRUCE NOTLEY-SMITH:** *Mary Poppins* is leaving I think. This is a budget that starts sure-footed on the massive task of rebuilding New South Wales. I am glad to say that this budget is also about rebuilding Coogee. We have started with the most crucial of services, health: 2,475 extra nurses and 1,340 more beds statewide. The Prince of Wales Hospital, in my electorate, is receiving nearly \$56.5 million thanks to the hard work of our Minister for Health and Minister for Medical Research, Jillian Skinner, with substantial allocations being provided to the new Australian Advanced Treatment Centre, the Neuroscience Research Australia, the Comprehensive Cancer and Blood Disorder Unit, the Mental Health Intensive Care Unit and the Sydney Children's Hospital Child-Adolescent Mental Health Unit. Not only this, we are putting more doctors into Prince of Wales Hospital, with \$1.2 million allocated to employ five more doctors in the emergency department.

I recently visited the Prince of Wales Comprehensive Cancer and Blood Disorder Unit, which received an additional \$2 million in this year's budget to commence works. I met with Professor Robyn Ward, the Director of Cancer Services at Prince of Wales Hospital, who was ecstatic to receive the funding, which will allow great strides to be taken in research and patient care being conducted in the same location, making this cancer centre a best practice institution, both in Australia and the world. It was just before the election that I visited Professor Robyn Ward for the first time and I was astonished to see the state of the cancer care centre at the Prince of Wales Hospital. As a local of the area, I had been admitted to Prince of Wales Hospital a number of times over the years, but I was shocked to see that the fittings and the fit-out in the cancer care centre were the same ones that were there when I was admitted for the first time back in the 1960s. This State should be ashamed that this state of affairs has been allowed to persist for so long.

The people of Coogee are lucky to finally have a Government committed to rebuilding our State and our State's broken hospital system and providing better patient outcomes: this year's budget contains an unprecedented \$4.7 billion dollars for health capital works over the next four years. This is a 50 per cent increase over the last four years. What a great result for the people of New South Wales. However, a hospital must be accessible, not only to patients but to the thousands who work there. A reliable and attractive public transport system is crucial to the functioning of large institutions such as the Prince of Wales Hospital complex and the University of New South Wales—and, indeed, Randwick Racecourse, just down the road.

Of course, you cannot talk about solutions to public transport and road congestion in my electorate without talking about light rail. The New South Wales Liberal-Nationals Government's budget has \$103 million allocated for the expansion of the light rail network. Part of this funding will be allocated to a feasibility study for the implementation of light rail along Anzac Parade past Moore Park and the sporting stadia to the University of New South Wales and the Prince of Wales Hospital. As the Minister knows, this is a project I have advocated for a very long time. I am confident we will see the project completed in the near future. Light rail is not just a fad or a light-bulb idea; over 400 cities worldwide consider it a vital part of their transport infrastructure mix. This Government has shown that it plans to live up to its promises.

This is not a Government that comes up with hare-brained ideas, announces them, re-announces them a couple of years later after nothing has happened, and then dumps them for another whacky idea dressed in the finest spin, all at the cost of millions and millions of dollars with nothing to show for it in the end: \$500 million was lost on the Rozelle metro project alone. New South Wales left that approach to infrastructure planning behind on 26 March this year. We plan to deliver on what we promise, because Government is about good policies, not about great headlines. The Minister for Transport has convened a round table on light rail which includes all major stakeholders. Every step of the way in the development of the strategic plan for light rail the round table will be kept informed and its input sought.

It is a consultative, constructive, measured and mature way to approach the future development of transport infrastructure in this State. Already light rail has been integrated into the MyZone ticketing system in New South Wales, something the former New South Wales Government struggled to achieve for years. We are attacking Labor's backlog of transport infrastructure planning and delivery, and will get New South Wales moving again. Total transport spending in this budget is \$13.1 billion, an increase of 12 per cent over 2010-11 figures. The budget includes more than \$600 million for the North West and South West rail links, in line with our election commitments. My colleagues in the north-west and south-west areas are ecstatic to finally get their brand new rail links instead of endless announcements of lines with nothing ever being built. The member for Riverstone nods his head furiously in acknowledgement. The previous Government did not understand that a headline does not equal a rail line.

Our public transport network has been stagnant and devoid of innovation for far too long. Electronic ticketing systems are now the world standard and if we are to call ourselves a truly global city we need to get on board. I cannot believe that we ever expected the previous Government to build the North West and South West rail links when it could not even implement an electronic ticketing system. The Oyster Card has been operating in London for eight years, and in Helsinki passengers can buy a single-fare ticket by sending a text message from a mobile phone. Even Turkey has an electronic ticketing system, called the Akbil. We are catching up with the proposed Opal ticketing system, but had the Government continued in the same way Labor had over the past 16 years, we would fall further behind the rest of the world and could barely hope to call ourselves a global city.

The budget has allocated \$1.6 million for the Coogee electorate for bus priority treatment lanes along Anzac Parade, where the famous conga line of buses that I was on this morning crawls daily carrying thousands of commuters between the city and the south-east. Because my electorate relies heavily on buses, it is pleasing to learn that 139 old buses will be replaced and 64 new buses will be added to the Sydney metropolitan service. This represents a great upgrade for bus commuters who are tired of travelling on buses that in some cases are older than they are. The border for my electorate and that of my colleague the member for Vaucluse is Bondi Road, which is one of the most heavily used transport corridors in the eastern suburbs. Prior to the election I called for the resurfacing of this dilapidated goat track. It is wonderful that the Government is spending \$740,000 to resurface Bondi Road.

Congestion and lack of parking in the eastern beaches gets worse every summer. Unlike the previous Government, I do not want to stand idly by while beachgoers suffer the constraints of overcrowded, infrequent and misdirected bus services. My electorate has four beaches: Bronte, Tamarama, Clovelly and Coogee, and in Vaucluse just to the north of my electorate at the end of Bondi Road is Bondi Beach. Members might be interested to learn that in summer in this beach-oriented lifestyle area it is very difficult to use any of the more than 50 available public transport services to move between those beaches. The Beach Runner bus service, previously fully funded by Waverley Council, was a great initiative of the council and made it easy for beachgoers to travel between the beautiful eastern suburbs beaches—it was a great service until it was cancelled. Waverley Council could not continue to fund the Beach Runner bus service and received not a skerrick of help from the previous Labor Government—a government that let all forms of public transport wither under its 16 years of mismanagement.

On 10 March 2008 the *Sydney Morning Herald* published an article entitled "Bondi or Bussed: beach hoppers triumph". On reading that headline one would think that the previous Government might have taken steps to fund the Beach Runner service, but that is not so. The article is about the review undertaken by the Government to fund the service—but funding never eventuated. This is yet more evidence of the previous Government desperately grabbing for positive headlines when it had nothing to announce. State governments, not local councils, should fund public transport. Waverley Council was forced to fork out \$400,000 to charter a State Transit Authority bus under a completely unsustainable arrangement. One of my election commitments, and one that the Minister for Transport announced with me at Bronte Beach, was that we would return the Beach Runner bus service. I am very pleased to note that the New South Wales Government has provided funding in this budget for the Beach Runner bus service to start this November and continue through to April 2012, in time for summer beachgoers to enjoy, and then it will run for the next four years to summer 2014-2015.

The budget is providing funds for an additional 55 police officers, to upgrade five police stations across the State, upgrade police helicopters, and give our police 110 more vehicles and 25 more mobile command vehicles so we can make sure that they are protecting our community and keeping us safe. Police are one of our most essential services and I am glad to be part of a Government that supports our hardworking police officers. This is another election commitment on which the New South Wales Government is delivering. While small in cost, these additional resources will provide big benefits for my community. The great thing about this budget is that not only are we delivering on our promises, but we are doing so despite a \$5.2 billion dollar budget black hole. I could continue for hours about the benefits of this budget. For example, an additional \$62 million over four years has been provided for local schools for urgent maintenance, including \$15.6 million in 2011-12. The budget has allocated funding to boost community transport. The member for Menai knows that those who fall through the cracks are left with no other means to attend to their daily or weekly needs. The budget has enhanced the community transport plan with additional funding of \$12 million over the next four years, which is most welcome.

Randwick Boys and Girls high schools in my electorate have twice won the Rock Eisteddfod and were runners-up last year. It is fantastic that further funding of \$200,000 over four years has been allocated to make sure that great activity for young people to showcase their wonderful talents is supported by this Government.

Extra funding has been provided for Sculpture by the Sea, which is one of the premier arts programs on the New South Wales calendar that is held in my electorate and the Vaucluse electorate displaying many different artworks. Almost one year ago I was with the Premier when he announced the extra hundreds of thousands of dollars to ensure that Sculpture by the Sea has a future. The display opened on 3 November and continues through to 20 November, and already we are seeing the benefits of that additional funding.

Of course, we established NSW Grandparents Day, which was held a few weeks ago, to finally recognise formally the important role that grandparents play not only in supporting their children but also their grandchildren. The extent of child care and supervision that grandparents undertake is an incalculable contribution to our society. We do not do much dredging in Coogee, but the budget has provided support for urgent dredging projects in New South Wales. For some rural and regional members that support is extremely important. Whereas the previous Government dredged dirt on other politicians or one another, we have provided \$1.5 million in funding over four years to ensure these vital programs are supported.

The budget also provides support for the work of the Life Education program with a \$500,000 grant in 2011-12. One of the great strokes of the pen by Premier O'Farrell was abolition of the entry fees for the Australian Botanic Garden at Mount Annan and the Blue Mountains Botanic Gardens at Mount Tomah. Visitation rates for those gardens show that they are great botanical gardens and are a great showcase for Australian native and international flora. Since the Premier took the action to abolish entry fees, appreciation of the gardens has skyrocketed.

The State of New South Wales needed this budget. It will deliver more front-line services and is starting on the long road to rebuilding New South Wales. It delivers more accountability and transparency in government. The Liberal-Nationals Government will not be hiding deficits or placing long-term reform in the too-hard basket. We are beginning immediately to fix problems we inherited—and we will fix them; the Government is committed to that. This is a strong budget. I commend the Treasurer, the Hon. Mike Baird, for his hard work in putting New South Wales back on the road to being number one again.

**Ms SONIA HORNER** (Wallsend) [10.41 a.m.]: I will discuss the impact of the budget on the Wallsend electorate, what is in the budget for the Wallsend electorate, the winners, the losers, the commitments made prior to the election by Liberal candidates that remain unfulfilled, and budget commitments to projects that have not yet commenced. First I will examine some of the fantastic major projects that were outlined in the budget. The people of the Wallsend electorate need funding to purchase land that is adjacent to the Mater Hospital in Waratah to build a cancer treatment facility worth \$1 million. I understand there have been some difficulties and differences between the John Hunter and Mater hospitals related to ownership of the development. We will await the outcome. I know that \$1 million has not yet been committed. Obviously the Government is awaiting decisions being made by the Hunter and New England Local Health District.

Approximately \$3 million has been provided for continued planning for the Glendale police station but, unfortunately, that funding remains unspent because a decision is yet to be made by the Government on where to purchase land in the Glendale area. That is a budget commitment which remains unfulfilled. It is good that works at the Callaghan Campus at Wallsend, which began with the Labor Government, will continue. That is the only major upgrade I have seen that has been funded by the State Government in my electorate, which has approximately 20 public schools. Cyclic maintenance worth \$978,000 was announced in the budget for the Calvary Mater Hospital. I have since been advised that the project will go ahead. I commend the Government.

Approximately 75 per cent of the work on stage four of the Newcastle Inner City Bypass was completed by the former Labor Government, so I am pleased to see continuation of funding for the final stage of such a vital road between Shortland and Sandgate. The project is stage four of a five-stage orbital inner city bypass. The budget has also provided funding for ancillary works for the Hunter Expressway. The main part of the project was funded by the Federal Government, but the State Government has provided complementary funding for additional roadworks, which is a good thing. Most of the funding for that project has been provided by the Federal Government, but it is good to see the Liberal-Nationals Government coming on board.

I turn now to examine some of the losers for the people of Wallsend and the Hunter in this budget. As I stated earlier, land has not been purchased for the Glendale police station. I am hopeful that more than \$3 million will be allocated next year so that people who live in the Hunter region will have the benefit of a new local area command at Lake Macquarie. Public transport is a topic that is often mentioned, but the Wallsend electorate was allocated no funding for improvements in bus and rail services from Wallsend. That is a real pity since the Government has proclaimed its intention to address backlogs. The Wallsend electorate and the Hunter region would like the Government to address some of the backlogs in that region.

Prior to the election, the Liberal-Nationals Coalition committed \$10.3 million, if it was elected, to a paediatric intensive care unit at the John Hunter Hospital. The clinicians at that hospital identified this as a major priority for the John Hunter Campus. Unfortunately, the O'Farrell Government has seen fit to suggest that this project is not a priority, so no funding was allocated for the paediatric intensive care unit in this year's budget. That is a pity for the people who live in the Hunter and in the region north of Sydney and who have sick children. No funding has been allocated for upgrading ambulance stations in the Wallsend electorate. No funding has been allocated to upgrading fire stations in the Wallsend electorate.

The long-awaited and very important fifth stage of the Newcastle Inner City Bypass, which is the orbital link, will run from Jesmond to Rankin Park, but has been allocated no funding. This important road network project will benefit not only commuter links at Wallsend but also commuters from Maitland and the Hunter. It will enable them to traverse Newcastle more efficiently as part of the inner city bypass. Unfortunately, no funding has been allocated in the current budget for that major roadworks project. A matter of great disappointment to me is that no funding has been allocated for the Glendale interchange. The Glendale road-rail interchange was the subject of a pre-election commitment made by the member for Charlestown. He assured Hunter constituents that the Liberal Government would fund the project. The project was the subject of the private member's statement I made last night and it has been the subject of many speeches, a notice of motion and a question by me over the past four years.

The pre-election promise was that the O'Farrell Government would commit \$15 million towards building and planning stage one of the Pennant Street Bridge, which will be a vital link between Cardiff and Glendale, and that it would be the start of the Glendale road-rail interchange. There was not \$15 million in the budget for that interchange; nor was there \$1 million that was supposed to be committed by the O'Farrell Government for plans that were supposed to be submitted to Lake Macquarie City Council. I recently checked with the council and was informed that it has not received the \$1 million that supposedly would have been set aside for planning of the Pennant Street Bridge. That is a disappointment for me, the people of Glendale, and certainly people who had been told prior to the election by the then Liberal Opposition that it would build the Glendale interchange. Not one skerrick of work has yet occurred.

Unfortunately, apart from one school in my whole electorate, no funding has been allocated for school upgrades in Wallsend. No additional funding has been allocated for TAFE facilities in my electorate. The Trade School and TAFE link at Glendale have not received additional funding for further upgrades, which is a pity. In relation to additional upgrades for the John Hunter Hospital, we see no provision in the budget for further facilities or for additional funding to be spent on that major regional hospital. It is the hospital to which people who live in the region to the north of the Sydney Harbour Bridge go when they are ill. The hospital looks after people across a vast area. Unfortunately, it has received no further allocations in this year's budget.

The Liberal-Nationals Government has touted for funding for what has been described as the Newcastle Inner City Bypass. The previous Vice-Chancellor of the University of Newcastle touted the bypass as one of the panaceas for building a university campus. On behalf of the many people who do not live near good bus and public transport links and who perhaps live on the outskirts of the Hunter region, I am concerned about how they will be able to travel to the campus. What sort of urban transport will be planned if the inner city campus goes ahead? Recent questions about funding for the commencement of the Newcastle inner city campus revealed that the \$25 million promised by the Coalition Government is yet to be allocated. That campus will be an adjunct to the university in my patch of Wallsend but we are still awaiting that money. Government preschools have not received any funding allocations in the 2011-12 budget. Two government preschools—Elernmore Vale and Waratah West—are located in disadvantaged and working-class areas in the western suburbs of my electorate.

I am particularly concerned about the parents and children at those preschools. Waratah West preschool adjoins a small multicultural school which has a large Aboriginal population. Last year, when pupil numbers dropped below 75, Waratah West preschool faced the possibility of losing a teacher. At the time I advocated for the retention of that teacher and, fortunately, the former Labor Government agreed with me. As crime in this area is more rampant than it should be and as unemployment statistics are high, any rise in preschool costs would cause hardship for that working-class and low-income area. I am aware of the concessions that are available to healthcare cardholders but in low socioeconomic areas people will always fall through the cracks. In the example I gave of Waratah West and Elernmore Vale preschools, those children will not be adequately educated.

One of the announcements made when the budget was introduced was that 5,000 public sector jobs would be axed, a large number of which will be in the Hunter region. How many people in the Hunter will be

impacted by job losses and how will it cope with increasing unemployment and limited re-employment opportunities? The Cardiff rail upgrade was another pre-election commitment made by the Liberal-Nationals Coalition and the candidate for Charlestown. In May 2010 lifts were promised and budgeted for by the Keneally Government. At that time over \$6 million was allocated and committed to build lifts for commuters using Cardiff railway station as there are 100 steps to walk up and down which was recognised as a disincentive to commuters. The money was allocated and preparatory work began last June.

Following the election in March work at that railway station came to a halt. After making a number of inquiries, questioning the Government and filing a number of notices of motions, I discovered—according to the Government—that there were issues relating to the building of this lift. As a result of pressure from me as the State member for Wallsend, work at that railway station is now back on track. The former Government was committed to this project and it had planned and budgeted for it. People in the Cardiff area were perplexed when work on that project ceased and they questioned whether this Government was committed to ensuring the building of that much-needed lift at Cardiff railway station.

The Liberal-Nationals Coalition made a pre-election commitment to spend between \$250 million and \$500 million to rejuvenate the main street in the Cardiff central business district. Anyone driving down the main street of Cardiff will see no change as none of that money has been committed. All the Government's pre-election commitments for the Hunter and Wallsend are fantastic but we would like to see some of that money to commence at least some of those projects. This Government should decide where to build Glendale police station, purchase the land with the money that was allocated by the previous Labor Government, and build Glendale police station.

There is no police station in the Wallsend electorate which stretches a long way across the Hunter region. We need a police station for the safety and security of people in that region. I urge the Government to commit to building the Glendale road-rail interchange which was promised in the lead-up to the March election. The Government should spend money on building this vital piece of road and rail infrastructure in the lower Hunter. In summary, more funding is needed for the major regional hospitals—the John Hunter and Calvary Mater hospitals—including a paediatric intensive care unit, which has not yet been budgeted for, major road infrastructure, and the Glendale road-rail interchange. The community would be thankful if the Government commenced those projects right now.

**Ms PRU GOWARD** (Goulburn—Minister for Family and Community Services, and Minister for Women) [10.55 a.m.]: This first Liberal-Nationals budget addresses Labor's \$1.9 billion Family and Community Services budget gap and legacy of financial unsustainability. It also starts the long process of real reform to improve services for vulnerable children, young people and families. The current out-of-home care system is expensive and inflexible, and outcomes for many children and young people in out-of-home care are often poor. The current system is also unsustainable. Between 2004-05 and 2010-11, under the Labor Government, out-of-home care expenditure grew by 15 per cent per annum—from \$304 million to an anticipated \$694 million per annum. This was driven by increases in the number of children in out-of-home care and increases in the average unit cost of providing an out-of-home care place.

This Government inherited a dysfunctional system of contracting with non-government organisations where there is great variation in non-government organisation unit costs for out-of-home care placements and these are not transparent. Children with similar needs may get varying levels of services at different prices, there is an overreliance on higher cost fee-for-service placements, also known as individual client agreements, largely because there is no streamlined process for short notice placement, and there is a shortage of appropriate program funded places. The current contracting regime is based around the delivery of specific out-of-home care service types rather than the specific needs of the children or young person in the out-of-home care placement.

The entire sector, government and non-government, shares the same motivation and commitment to protecting and creating stability for children and families, including when children cannot live at home, by improving care with longer-term and more stable placements. This first budget reflects the first phase of that work in line with our election commitment, with broader reforms to improve services while cutting Labor's waste—waste from huge unnecessary variation in the prices the Government pays for non-government out-of-home care placements for children and young people with similar needs. This will be done by converting hugely expensive emergency placements—individual client agreements—into program places offering the same or better care and improving the delivery of residential care. We will reduce the huge variation in non-government organisation unit costs for out-of-home care placements for children and young people with similar needs.

Currently the Government pays non-government organisations between \$37,000 and \$53,000 for the same general foster care service. Currently, the Government pays non-government organisations between \$115,000 and \$446,000 for the same intensive residential care service—an extraordinary variation of over \$300,000 a year. That is an incredible difference for a similar service for the most vulnerable in our State. How could Labor design such waste, is a question we ask ourselves often. Imagine the extra or better care and attention Community Services could have given children if those prices could have been rationalised. Millions of dollars would have been saved, and that of course would have ensured improved care for more children—which is what this reform is really about. Individual client agreements or emergency places are used when Community Services, another government agency or a non-government organisation cannot provide services through funded program places. Emergency general foster care places can cost up to \$89,000 per annum, that is, over 200 per cent more than the average cost of a program funded general foster care place at \$42,062.

Emergency residential care places can cost up to \$723,000 per annum—that is, over 330 per cent more than the average cost of a program funded intensive foster care place, the cost of which is approximately \$217,400. Again, there is a huge difference in price for similar services because one is emergency—that is, not planned—and the other is planned. How could Labor do nothing to address that waste? Again, imagine the extra and better care and attention Community Services could give children if we could rationalise those prices, saving millions of dollars, and channelling it into improved care, improved early intervention and improved support—because, again, that is what the reforms are all about. There will always be a need for more flexible, short-term or emergency placements. But they need to be seen very much as the exception, not the rule. Apart from the enormous differences in costs, children and young people in program places will benefit from longer-term, more secure placements rather than short-term, crisis-driven ones.

Another area of non-government contracting reform relates to improving the delivery of residential care. Under Labor's system some children were placed in more expensive residential care when they could and should have been supported in better matched intensive foster care. As a result some children and young people are going into residential care when they do not need to. International best practice in child protection and out-of-home care recognises that, wherever possible, children who are unable to live safely with their parents should be cared for in home-based settings. Long-term harm and suffering can be caused to children and young people who spend extensive periods of time in large institutional settings. Residential settings are regarded as unsuitable for children under the age of 12 years particularly. I am advised that, as at 30 June 2011, 86 children aged under 13 years were in residential care.

We need real reform in the way we support and care for vulnerable children, young people and families. Therefore, the Government will reduce the use of residential care for children and young people who could be placed in intensive foster care, by building capacity in program-funded intensive foster care. We want to get this transfer and this reform right. The transfer and broader reforms to services must not fall over because we have not properly addressed Labor's legacy in deficit and dysfunctional systems. Improving the way we work and contract with non-government organisations could, we estimate, release more than \$150 million dollars currently wasted or poorly serving children and young people with mismatched and short-term services. Those millions of dollars can provide extra and better help to children, young people and families.

We must get the department on a financially sustainable footing to move ahead with real reform to improve the way we work to support our vulnerable children and young people. Reforming out-of-home care contracts is another way in which the Government's reforms are aimed at improving services and boosting accountability and transparency in Family and Community Services. Certainly we have made changes to adoption allowances and to requirements that youth allowances be paid. They are extremely modest changes that help ensure we have a sustained budget. They were not taken lightly but, in view of the scale of the problem we face, they were necessary. As reforms to the way we work within the department take shape I am confident we will be able to support our carers without further changes. This Government is determined to improve services, boost transparency and, through real reform, make a real, positive difference in Family and Community Services and for the children that we serve. We need to do more than politically manage this portfolio as our predecessors did. We need to make it work.

**Ms CARMEL TEBBUTT** (Marrickville) [11.05 a.m.]: On behalf of my electorate I express my dismay at the first budget of the newly elected Coalition Government. The claim of the O'Farrell Government that it is rebuilding New South Wales rings very hollow in the ears of the constituents of Marrickville. The many losers in this budget include pensioners, carers, young families and some of the most vulnerable people in our community. Prior to the March election the Coalition leader, Barry O'Farrell, went to great lengths to present himself as different from other Coalition leaders—that he was warmer, more caring, with a green tinge.

He reached out to groups that were not part of the natural Liberal constituency—environmentalists, teachers and public servants. The message was very clear: the Coalition Leader presented himself as someone who was not going to take the usual slash-and-burn approach to public services and the environment that we had so often seen in the past from Coalition governments.

It has not taken long for this duplicity to be exposed. Since the election an unprecedented attack has occurred on the environment, with the abolition of the Department of Environment and Climate Change, the unwinding of marine park protections and threats to the iconic River Red Gum National Parks in the south-west of the State. Again, The Nationals have called for a moratorium on new national parks in New South Wales. I am very proud of Labor's record in government when it added an additional three million hectares to the National Parks estate and created more than 450 new reserves. Priority for the environment and sustainability has been jettisoned by the Liberal-Nationals Government. We have also seen the industrial protections for the State's public servants dismantled and the likelihood that the pay and conditions will go backwards for the people who teach our children, care for our sick and protect the vulnerable.

The impact of this policy is being felt now in a very real way, with the budget only allocating 2.5 per cent for teachers' wage increase, and that has led to the resultant industrial disputation in our schools. Teachers in New South Wales are very concerned that the budget means that their wages will not keep pace with inflation and could see them go from being amongst the best paid to being amongst the poorest paid in Australia. The demand that anything above 2.5 per cent must come from employee-related savings has meant that teachers are very concerned that the impact of this policy will see class sizes increase and other measures pursued that will be detrimental to the teaching and learning outcomes in our schools.

The budget also shows that there have been cuts to allowances for foster carers, fees introduced for government pre-schools, infrastructure spending in our schools slashed and a \$1 billion stamp duty tax slugged on first home buyers. In times of economic uncertainty this budget fails to instil confidence and grow jobs, and the proposed \$5,000 public sector job cuts and the thousands more positions that will be lost through natural attrition are likely to have a contractionary effect when it is least needed. In Marrickville there is enormous disappointment and a sense of betrayal over the scrapping of the greenway and the delays to the construction of the light rail extension. This decision by the Government has shown contempt for the residents of the inner west and it is not surprisingly that recently residents of the inner west came out in droves to protest this decision.

The greenway is a three-metre wide pedestrian and cycle path from the Cooks River to the Iron Cove Bridge, running alongside the light rail tracks and with associated bush care sites. It would give people in the inner west much-needed green space for walking, cycling and recreation. It is also a safe habitat for local flora and fauna. We all know that the best way to deliver the greenway is to do it in conjunction with the light rail extension. Labor understood this and when it was in government it committed to the light rail extension and greenway to translate the community's vision in reality. Its \$500 million investment in the light rail network included extending the existing service from Lilyfield to Dulwich Hill, and it was a decision that was warmly welcomed by the people of the inner west.

We made substantial progress prior to the election. Extensive public consultation occurred as part of the formal public exhibition of the environmental assessment and the then Minister for Planning issued development approval for the project. Preconstruction work was done on refurbishing the tracks, and bush care regeneration was commenced at six sites along the corridor. Importantly, the community of the inner west had every right to expect that the Government would go ahead with this project. The opportunity to deliver an integrated pedestrian, cycling, light rail project for the inner west has now been lost, with the Minister for Transport declaring that the project is not in the best interests of commuters or taxpayers. I have news for the Minister: This not the view of the thousands of residents who have contacted me to express their anger about this decision.

I urge the Minister for Transport to look again at this project. For a relatively modest amount, a great project could be delivered that would make sense from a transport, environmental and community perspective. The decision to scrap the greenway is not the only area in which this budget disappoints the constituents of Marrickville. The reduction in funding for the Community Building Partnership Program will have a real impact on the many community groups in my electorate that have benefited from this program in the past. It is yet another broken promise from the O'Farrell Government. Prior to the election, the Coalition said that it would extend the \$35 million Community Building Partnership Program for another year. However, it has been very sneaky in this budget because the funding for the program has been reduced to just \$11 million in 2011-12. That means many worthwhile community projects will now not get the go-ahead.

Many great projects in my electorate have benefited from this program in the past, including the Metro Migrant Resource Centre, the Addison Road Community Centre, the Newtown Neighbourhood Centre, the Sydney University Settlement and Stepping Stone House. Sporting and community facilities have been improved, including Petersham Oval, Henson Park, Police and Community Youth Clubs Marrickville, Mahoney Reserve, childcare centres, the Holy Trinity Anglican Church at Dulwich Hill and the Petersham Scout Hall. Given that so many community organisations need a bit of extra support it is very disappointing to see this funding reduced in 2011-12.

Of all the decisions in the budget perhaps one of the most heartless is the decision to reduce payments to foster carers when young people turn 16. Carers' allowances will now be reduced by the amount of the Youth Allowance when young people turn 16. Foster carers do a fantastic job under very difficult circumstances. Like other members, I have some wonderful foster carers in my electorate. The Government should be doing all that it can to support foster carers and not reducing the allowance that some of them receive. We all know that getting foster carers for teenagers is already difficult enough. This decision will make it even more difficult to attract foster carers into the system, particularly those who look after older children and young people.

The Government announced in this budget also that it would abolish additional stamp duty concessions for first home buyers unless they purchase newly constructed homes. This will have a disproportionate effect on first home buyers in built-up areas such as my electorate where many first home buyers buy an existing dwelling. It will force even more first home buyers out to the city's fringes and it discriminates against people based on their choice of residential housing. With home building approvals falling throughout 2011, the last thing that New South Wales needs is a policy that reduces demand for housing.

There are some occasional bright spots in this otherwise dismal budget. One such bright spot is the allocation of funding to upgrade the Design Centre at Enmore TAFE. The centre does the public education and training sector proud. It has world-renowned courses, dedicated and talented teachers and a contemporary vision, and it is the first TAFE college in New South Wales to offer a degree course. Last night I had the pleasure of attending the Sydney Town Hall with the Minister for Education for the celebration of Sydney Institute's 120th anniversary. We watched a magnificent parade that demonstrated all the wonderful things that students are achieving. The animation section was presented by Enmore TAFE, which did a fantastic job of showing what our vocational education and training sector is achieving.

Despite important investments such as that, overall the Coalition Government will spend \$400 million less on infrastructure this year than the Labor Government budgeted. In last year's budget papers the Labor Government forecast that \$15.7 billion would be invested in State infrastructure. In the Coalition's 2011-12 budget that figure has dropped to \$15.3 billion. That makes a mockery of the Government's claim that it is delivering on its infrastructure commitments to the people of New South Wales. While this reduced infrastructure spending will impact in many areas, I will highlight two: health and education. I am glad to see that the Minister for Health is in the Chamber. The Minister has made much of the increased infrastructure spend in Health. As a former health Minister I know only too well the demands placed on the Health infrastructure budget. Therefore, I am pleased for those hospitals and communities that will receive upgrades. The Minister has done very well to achieve them. However, she has not mentioned that much of the additional funding comes from the Commonwealth. In fact, the vast bulk of the additional funding for Tamworth, Bega, Port Macquarie and the regional radiotherapy services comes from the Commonwealth.

Even more concerning is the fate of the Blacktown and Campbelltown hospitals, which face enormous demands given their fast-growing populations. The Labor Government committed to undertake significant upgrades at both hospitals. We allocated \$245 million for Blacktown and Mount Druitt hospitals for the expansion of the emergency department, new and expanded units for cardiology, respiratory medicine and aged care and additional surgical and intensive care beds. We allocated \$194 million for Campbelltown Hospital for expanded bed capacity for women and children's health, surgical services and the emergency department along with an expansion of the Campbelltown Mental Health Service. That was more than a promise; funding was allocated; it was not an election commitment. That commitment was made prior to the election, funding was allocated and a tender process had been conducted, and the Minister knows that.

Preferred proponents were identified for those two priority projects. It was only due to the final briefs being provided at the start of the caretaker period that the contracts were not signed. The contracts were sitting in the new Minister's in tray for final sign off. All the O'Farrell Government had to do to make those projects a reality was to press the start button. This budget proves that the Government has wound back the funding. It has committed \$125 million for Blacktown, compared to the Labor Government's commitment of \$245 million, and

\$140 million for Campbelltown, with less than \$7 million allocated in this budget. That means that Campbelltown will miss out on a state-of-the-art mental health facility, and that is a great loss for the people of south western Sydney.

The education story is similar: The Government promised the world before the election, but after the election—firmly ensconced on the Treasury benches—it has delivered very little. The Government has slashed funding for school infrastructure by a staggering \$266 million. The Coalition never mentioned in opposition that it would cut infrastructure funding for schools by some \$266 million. That takes into account the money that no longer flows because the Building the Education Revolution project is almost at an end. There is still a 42 per cent reduction in State funding. As I said, that excludes reductions related to the wind down of the Australian Government's economic stimulus program. The Coalition and the Minister can try to make a joke of this, but it is no laughing matter for the students, parents and teachers in government schools who will feel the impact of this paltry capital allocation for many years.

Like the health sector, the education sector experiences long lead times for infrastructure projects. If the capital budget is cut one year, the effects will be felt for many years. In an act of breathtaking cynicism less than three weeks after the budget was handed down, the Minister for Education announced that construction would commence at the Lake Cathie Public School in 2014. Members opposite talk about keeping election commitments. It is a shame that the Minister did not bother to mention when he made that announcement that Lake Cathie Public School did not feature in the 2011-12 budget papers. The local member knows that and she got it right when she said that it is not in this year's budget. So the Minister had to rush out and make an announcement that the planning will start and that that will be in subsequent budget papers. That is simply not good enough for the people of that community.

Funding for programs like Building Better Schools, which funds new halls and gymnasiums, and funding for programs like the Connected Classrooms program and funding for the demountable replacement program have all been slashed. In opposition the now Minister was only too willing to tell the former Government to replace demountables in schools, saying, "Every parent knows that demountable classrooms are a poor alternative to learning in a real classroom." Those were the words of the Minister for Education when he was in opposition. Yet in this budget, the very first opportunity for the Minister to demonstrate that he is serious about replacing demountables, he has reduced the statewide allocation from \$2.6 million in 2010-11 to \$1.18 million in this year's budget. The funding for minor works has been reduced.

But it is not just in the area of infrastructure funding that the Education budget is deficient. For the first time ever we see a government that is imposing fees in our public schools, imposing fees on government preschools. This is very ham-fisted. At an important forum held in the Parliament yesterday we heard from principals, preschool teachers and preschool parents that this policy is dividing communities, turning principals into debt collectors and impacting on enrolments. All research demonstrates the importance of investing in the early years of a child's life and the difference that a quality early childhood educational experience can make. Many government preschools are located in disadvantaged communities, and a number serve predominantly Indigenous communities. Many of those families will not be able to afford fees; even reduced fees will impact on them. The educational opportunities for those children will be reduced, making the transition to primary school even more difficult.

Parents are only being told now that they will have to pay these fees. Many parents had already enrolled their children for the 2012 year, but are now having to confront ways to pay these significant fees, which could be as much as \$40 a day. The Minister talks about consistency, but nowhere does he explain why it is consistent to charge holders of a healthcare card a different fee dependent on whether they live in Mt Druitt or Birchgrove. The holders of healthcare cards are people on low incomes, no matter where they live, yet the Government's policy is to charge different fees for people who are holders of healthcare cards dependent on where they live. The policy is not consistent. The policy will impact on children. I can use no better words than those of Professor Tony Vinson, who said he cannot think of a more destructive and short-sighted policy.

It is not just schools that have much to fear from this Government. We also see in the budget an announcement by the Government that it intends to reform the vocational education and training system. No detail is provided. It is simply an announcement that the Government intends to reform the system. But we do not need a lot of detail to understand the true intentions of the Government with regard to vocational education and training. The current Director General of Premier and Cabinet has already indicated that he wants to see a more market-based system along the lines of reforms he introduced in Victoria and South Australia.

We have also seen since the budget was handed down the Government introduce the TAFE commission legislation—with no consultation, no long-term guarantee for employees' entitlements. TAFE employees and students are rightly concerned. We know that in Victoria the introduction of a student entitlement scheme has led to fee increases, declining TAFE enrolments and an oversupply of graduates in fields such as fitness training. What has happened is that private providers have creamed off the profitable courses while TAFE is left to deliver high-cost technical training. The Minister needs to make a very clear commitment and guarantee that TAFE will remain an affordable public provider of high-quality vocational education and training, that no TAFE college will be forced to close, and that fees will not skyrocket as a result of his reform agenda.

The Government has had an opportunity to demonstrate in this budget that it understands the responsibilities it has been entrusted with as a result of the March election and that it has a plan to address the challenges and pressures confronting our State. The Government should have used the budget to buttress the State's financial position and invest in the infrastructure and services required by the people of New South Wales. Unfortunately, we have not seen that. Instead, we have a budget that is limited in vision and parsimonious in allocation. The heaviest burden falls on some of the most vulnerable members of our community, and the people of New South Wales will feel the effect of the mistakes in this budget for many years to come.

**Mrs JILLIAN SKINNER** (North Shore—Minister for Health, and Minister for Medical Research) [11.24 a.m.]: When the people of New South Wales elected the O'Farrell Government in March they voted for a government that would dedicate its energies to fixing the basic services of this State. These services had been allowed to run down by a Labor Government more preoccupied with political spin and its own political survival than a focus on the needs of the community. Taxpayers pay out of their hard-earned wages for the health services that government provides. They have every right to expect that these services are the very best that we can deliver and that they are getting value for money. I can confidently say that in its first budget the Liberal and National parties Government has fully delivered on all of its election promises in Health.

The 2011 State budget has delivered more than \$17 billion in recurrent and capital funds for New South Wales health services; in fact, \$17.3 billion. This is the largest health budget in the history of New South Wales. As I said on the day the budget was handed down, the New South Wales Government is delivering more investment than ever into our hospital and health infrastructure across New South Wales. This record health budget also confirms our commitment to significantly improving healthcare in New South Wales by making available more hospital beds, employing more nurses and delivering better patient outcomes.

I want to detail to the Parliament some of the great initiatives that our Government has funded in this year's budget. We promised more nurses, and this year we will spend \$88 million to employ 1,175 extra nurses. In fact, we have already employed more than 800 extra nurses since we came to office. These extra nurses will be employed across the State's hospitals and they will help to deliver better patient services as well as to assist balance the workloads of our hard-working nursing staff. We will spend \$36 million to make available 150 beds in acute care, intensive care, the neonatal intensive care network and mental health wards.

This is just the first part of our four-year commitment for 550 more beds. We will spend \$56 million to maintain 443 acute and sub-acute beds that were opened in the first year of the Council of Australian Governments National Partnership Agreement. With this spending we are addressing a serious funding gap left by Labor. In typical Labor fashion, it opened the beds with Federal money, but did not allocate sufficient money in the following years to keep the beds open. We will now fund those beds to keep them open, unlike the previous Labor Government.

We will also spend an additional \$21 million to make available 69 sub-acute beds for general rehabilitation, palliative care and mental health patients under the second year of the National Partnership Agreement of the Council of Australian Governments. We will spend \$8.8 million for an extra 1,600 elective surgical procedures. This is also the first instalment of our commitment to provide 13,000 more elective surgical procedures over the next four years. This money will reduce waiting lists and ensure that patients get their surgeries performed within clinical guideline timeframes.

We will spend \$4 million to increase medical graduate positions in public hospitals, train extra interns and create more medical specialist training positions and networks. This spending will enable junior doctors to undertake specialist training to help meet the workforce demands as senior specialists reach their retirement in the years ahead. We will spend \$15 million to provide an extra 11,750 enrolments in the Connecting Care program, which helps people with chronic conditions remain at home. This important program reduces

unnecessary hospital admissions and is part of our \$57 million four-year commitment to enrol an extra 59,000 patients into this program. We will spend an extra \$3 million to increase renal services. Sadly, kidney disease is on the rise due to demographic and lifestyle trends. We are seeing many more cases of renal failure.

The Government has responded by providing an extra \$3 million for renal services, primarily in the regional and rural areas. We will spend \$2 million to support up to 90,000 health checks in about 600 pharmacies to help with the early identification of potential health problems. Many conditions, if caught early, can be treated successfully, and this initiative will help to identify health problems in a convenient community setting and at no cost to the consumer. In addition to the record spend on recurrent expenditure in NSW Health, the Government has also committed to a very significant capital works program. We will spend a record \$4.7 billion over the next four years on capital works, which is a 50 per cent increase on the previous four years under Labor. In 2011-12 the total capital works program is \$1.082 billion, which is \$67 million more than it was in the last budget. The budget includes a record expenditure of \$343 million on new works and I will outline some of the major capital works projects that the Government is now funding.

The Government has committed to developing hospital infrastructure at a number of hospitals, in particular Campbelltown Hospital, with an estimated total cost of \$139 million; Dubbo Base Hospital, with an estimated total cost of \$79.8 million—and I acknowledge the Commonwealth's contribution through the Health and Hospitals Fund and the terrific work of the member for Dubbo, who was a very strong advocate for the people of Dubbo before he was elected and is now a wonderful member of Parliament with whom I have spent time in the past couple of weeks; Port Macquarie Base Hospital, again with extra funding from the Commonwealth, \$110 million; and Wagga Wagga Base Hospital, \$270 million, a small component of which comes from the Commonwealth. For more than 16 years a campaign has been waged for Wagga Wagga Base Hospital. I can remember visiting that hospital in 1995 when I first became the shadow Minister for Health and from that year onwards the Government made promises, but delivered nothing.

I was very pleased to host a function in Parliament House yesterday for the Prince of Wales Hospital Comprehensive Cancer and Blood Disorders Centre. The estimated total cost of that centre is \$47.2 million, and the community and the hospital foundation will develop fundraising initiatives. I believe that is a much-needed centre. The St George Hospital emergency department has a total allocation of \$35.5 million. We will commence planning for the South East Regional Hospital at Bega with \$170 million—some of that funding comes from the Commonwealth—and the Tamworth Regional Referral Hospital with \$220 million. As I have informed the House on many occasions I was pleased to stand outside the Tamworth Hospital with Nicola Roxon, the Federal Minister for Health and Ageing, who was gracious enough to say that the Commonwealth was able to put money into that hospital only because of the generous allocation of the O'Farrell Government.

The budget includes an additional \$55 million to expand the Royal North Shore Hospital, which will include space for 60 extra beds, and it will provide funding to relocate maternity, mental health and other services that were left out of previous plans, which brings the total estimated cost of the project to \$147 million. The Government provided funding for planning, design and documentation in relation to its commitments over the next four years to the Lachlan Health Service, which is Parkes and Forbes hospitals; the Illawarra-Shoalhaven hospitals; Blacktown-Mt Druitt Hospital; Hornsby Ku-ring-gai Hospital; and the new Northern Beaches Hospital. The Government has also allocated funding for planning and land acquisition for the new Hunter Valley hospital to serve the people of the Maitland electorate and surrounding suburbs.

I am very pleased to see the member for Maitland at the table—the Minister for the Environment—who is an absolute champion when it comes to standing up for the people of her electorate. I know they will be extremely grateful for her efforts in getting this new hospital for the area. The Government has also allocated funding to planning for northern New South Wales hospital services at Lismore and Byron Bay. It is providing funds for upgrades at Ryde, Gulgong, Mona Vale, Woy Woy and Wyong. It has met its election promises for upgrades and equipment replacement at Cessnock, Maitland, Kurri Kurri and Wansey, and the acquisition of land at Waratah. It has also fulfilled its promise to upgrade car parking at Nepean, Sutherland and Shoalhaven hospitals.

Of course, capital spending is not only land, bricks and mortar. We have also committed significant sums to the commencement of a \$170 million e-Health project to improve medication safety as well as the implementation of the electronic medical record rollout to clinical specialists at a total estimated cost of \$85 million. We are spending \$6.3 million this year to commence implementation of the intensive care unit clinical information system at an estimated total cost of \$43 million. This new program will use the electronic collection of data from patients to provide a single integrated system to assist in the early detection of patient

deterioration, which will enable timely clinical intervention in our intensive care units. The new electronic system will replace paper-based processes where the manual transfer of large volumes of clinical information from a range of medical devices and records sometimes results in transcription and omission errors, illegible entries and misplaced records.

This year, and into the future, we have allocated money to e-Health initiatives. This is absolutely fundamental to ensuring patient safety and timely and accurate treatment for patients, and ensuring that we do not inflict upon patients unnecessary diagnostic tests time and again or put them in the horrible situation, when they are already in difficult circumstances, of being asked the same questions over and over, every step of their way through the health system. I believe that e-Health is going to make a major difference to the patient's journey. It will be particularly important in country New South Wales where we link remote and rural areas with expertise that might not be available locally. As you can see, in its first budget, this Government has reversed Labor's neglect of New South Wales health services. The Government has delivered on its election promises and it has commenced a record new capital works program. I commend the budget to the House.

**Ms NOREEN HAY** (Wollongong) [11.36 a.m.]: The much-anticipated O'Farrell Government's first budget—the budget that promised the world to all who had supported the Liberal-Nationals up to and including the March election—was found to be severely lacking, not only for the people of my electorate of Wollongong and the greater Illawarra, but also for the whole of New South Wales. First on the agenda was the plan to cut tens of thousands of jobs across New South Wales, with the O'Farrell Government flagging its plans to cut jobs in health, primary industries, education and emergency services, and in the public sector generally.

**Mr Troy Grant:** What primary industries?

**Ms NOREEN HAY:** I think Fisheries might be primary industries, but I could be wrong. It was a sneaky surprise that had been lurking in the Premier's bottom drawer. Tens of thousands of job cuts will rip the guts out of health care, education, the police force and other vital services in New South Wales.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! The member for Wollongong will be heard in silence.

**Ms NOREEN HAY:** Plans were revealed that the Government would cut health administrative staff, which will result in nurses filling out forms instead of caring for patients, and 25 per cent of the staff and budget in the Department of Primary Industries, which will weaken our State's response to events like the Hendra virus and last year's locust plague. We all know that Liberal governments cannot help themselves. Under the Greiner and Fahey governments we saw 50,000 public sector jobs cut, which led to the closure of schools, hospitals and railway stations. We had to listen to the Premier's claims of a budget black hole, which was debunked by every independent analyst. One such analysis was done by the Parliamentary Budget Office and the other was commissioned by Treasurer Mike Baird and is on the New South Wales Treasury website. Premier Barry O'Farrell's credible black hole looks a bit shaky. In May 2011 Standard and Poor's reaffirmed the State's triple-A long-term credit rating. An article in the *Sydney Morning Herald* of 17 May 2011 under the headline "Tick damages O'Farrell claim" states:

Standard and Poor's yesterday praised NSW for its "strong budgetary position and sound operating position".

The Lambert report into the State's finances, which was commissioned by Treasurer Baird, found:

There is no evidence of any misreporting or non-utilisation of available information.

... both the mid-year review and the March 2011 update provided to the incoming government accurately reflected available information at the time and were consistent with a robust approach to Budgeting adopted by the NSW Treasury.

The report of the independent Parliamentary Budget Office found:

The above analysis suggests that most of the claims made in the relevant media release of 27 April 2011 [O'Farrell: Black Hole Blows Out further] are unsupported by evidence or conflict with available information on the state's fiscal position and budgetary processes.

Then more good news for the people of Wollongong and the Illawarra: the O'Farrell Government decided to slash the successful Illawarra Advantage Fund.

**Mr John Barilaro:** More good news yesterday with the carbon tax.

**Ms NOREEN HAY:** I remind the new members on the other side of the House that they are members of a State Parliament.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! The member for Wollongong will direct her comments through the Chair. Government members will come to order.

**Ms NOREEN HAY:** This is a State Parliament and we are elected State representatives. Those opposite can support the cutting of the Illawarra Advantage Fund all they like, but it hurts those in my area who are already suffering from major economic crises. It is not helpful that the Illawarra Advantage Fund has been cut; nor is it helpful that public sector workers have been sacked or that the community is not being given the assistance it needs. This budget was a lost opportunity to inject serious funds into the Illawarra to help stimulate and create jobs. The Treasurer has not only ignored the Illawarra region but also removed the very fund designed to assist businesses to relocate and/or expand, which would create additional jobs. My community desperately needs bipartisan support. This House called on the Federal and local governments to join the New South Wales Government in its pledge to assist in investment and job creation in the Illawarra.

In an endeavour to counter this disaster I moved an amendment calling on the New South Wales Government to match the Federal Government's \$20 million contribution to the Illawarra Region Innovation and Investment Fund. I called for the relocation of a government department, such as the Department of Finance and Services, to assist in providing employment opportunities for those blue collar workers who have been so disadvantaged by the decision taken by BlueScope Steel. I also foreshadowed the job losses that are expected to occur at Port Kembla as a direct result of the decision made by BlueScope Steel. This is but the tip of the iceberg. The trickle-down effect will result in more job losses. So far the Government's action has not helped. It has not helped with the eight or nine positions at the fire service at Wollongong. Every job in our region is important; they should be retained. We do not want to see job loss after job loss. I said it then, and I will say it again: doing nothing is not an option for the people of the Illawarra.

Premier O'Farrell and a number of other members in this place should hang their heads in shame when this budget is compared with previous Labor budgets. Previous budgets saw commitments made and delivered such as the former Government setting aside \$500,000 to start planning for a new elective surgery unit, costed at \$83 million. Interestingly, the Coalition at that time criticised the former Government for not putting enough money into the planning process. In this budget the Government has invested \$1 million, yet it made such a big fuss and made so many promises before the election. Previous budgets also saw a \$38.9 million commitment for the installation of a third linear accelerator and expanded chemotherapy services at Wollongong Hospital; \$1.8 million to extend 10-hour night shifts for nurses to enhance nursing coverage; \$200,000 to complete the Diagnostic and Assessment Service at Wollongong; \$1.4 million to support new and expanded radiotherapy services, which included additional radiation oncology staff; and a share of \$786,000 to employ an additional 11 clinical nurse educators.

Previous budgets saw commitments made and delivered a share of \$3.5 million to rollout the Essentials of Care and workforce retention and clinical skill enhancement programs; a \$44 million Comprehensive Land and Housing Supply Strategy to boost housing construction and slash upfront local government levies on new homes, and to deliver additional land releases, lower levies and faster decisions to support new homebuyers; local councils were to receive an additional \$35 million over two years to accelerate and improve local planning approvals; \$8.9 million over two years for the Department of Planning to speed up planning assessment processes in high-growth areas and to ensure the construction of new, well-designed, vibrant communities close to transport hubs; a cap of \$20,000 to be placed on section 94 contributions—council levies—to make it cheaper for those homebuyers; and, for the first time, the Independent Pricing and Regulatory Tribunal was to set local council rates and determine any applications to go beyond the cap, placing the decision with the independent umpire.

Members opposite may find my comments about the Illawarra and the very things that the former Government invested in overwhelming. They talk continually about what they are going to do and about the reviews to be undertaken, but the facts are that the former Government invested \$28.9 million in the WIN Stadium upgrade; \$24 million for the Innovation Campus of the University of Wollongong—which was a resounding success and I defy anyone to suggest otherwise; and a free gong shuttle for the city of Wollongong to help, for example, students, the disabled and the aged and frail—following the special Pensioner Excursion ticketing—to travel from the train station to the hospital, to the beach or to the university and back. In view of what is happening with BlueScope Steel, and other decisions being made in the Illawarra, I wonder where we would be today if the former Government had not made the decision to direct car imports through Port Kembla, which has created a substantial number of jobs.

We also have the inner-harbour expansion, and the outer-harbour expansion is currently underway. The former Government committed \$110 million for the extension of the northern distributor, and the creation of approximately 2,000 jobs through the port expansion and the Illawarra Advantage Fund, which has now been scrapped by the Government. The 2010-2011 budget saw more than \$12 million in capital works funding for rail upgrades, which included the Wollongong stabling yards with improved lighting, footpaths and fencing; and the upgrade of the Unanderra railway station. Some \$11 million was allocated to provide easy access at Unanderra railway station. The first stage was completed and I have yet to receive a response about lift access in the second stage.

Mums with young children and prams, the aged and frail, and the disabled have great difficulty accessing the trains at that station. They desperately need the lifts that were provided for, and the Coalition committed to continue with that access if it won office. It also committed to the completion of the construction of the Wollongong commuter car park as part of the \$167 million spent across New South Wales. My nieces, who are university students in London, visited me at the time of the election. They told me how amazed they were that such a facility was available in such close proximity to the railway station and free. That is one of the reasons that many moons ago people like me decided to move there, to live here and raise our children there. The former Labor Government spent \$271 million on 74 outer suburban carriages, Oscars, directly benefiting the people of Wollongong and the Illawarra.

The people of New South Wales want this Government to keep some of the promises it made prior to the election. Recently we debated the Sporting Venues Authorities Amendment (Venues NSW) Bill, which takes away local input and local expertise, and decentralises decision-making to Sydney. This will increase the cost of preschool fees, which is an impost predominantly on women in the workforce—many women will be forced out of the workforce as a result of this increase in preschool fees. Again, this is something that the O'Farrell Government did not tell people it was going to do. This attack on women is nothing new when we listen to some of the comments being made by the people in this place.

Some of these women are in the workforce because they need the income. They are not in the workforce to buy luxuries; they are in it because they need to pay their mortgages and their bills. An increase in the cost of preschool fees will be just another burden they should not have to deal with. It is up to the Government to explain its massive cuts to education and the New South Wales Local Infrastructure Fund to the principals, teachers and parents. Again this is from a Government whose members come into this place, pat themselves on the back every day and tell one another about their fantastic achievements. Yet the Government has managed to alienate just about every service to the community within its first—

**ACTING-SPEAKER (Mr Gareth Ward):** Order! Members on my right will cease interjecting. The member for Wollongong will be heard in silence.

**Mr Troy Grant:** Point of order: We respect your ruling, but the member is inciting interjections.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! The member will resume his seat. There is no point of order.

**Ms NOREEN HAY:** Of course, we should not forget the removal of the stamp duty concessions for first home buyers, making it much more difficult for young people to get into the property market and to purchase homes for themselves. We know that the cost of new homes has increased. We know that many young people cannot afford a mortgage because many of them are not on significant salaries. What they should be getting is assistance to purchase a home that they can live in to start themselves on the property ladder. I suggest that a new build is out of the reach of many young people today.

Earlier I mentioned the 5,000 public sector jobs that are to be axed, not to mention a tax on our police, who are very upset about the changes to their death and disability scheme that we have heard about in this Chamber in the past couple of days. As I said in a media interview, "Would you put your life and limb on the line every day of the week knowing that you have a Government that is prepared to ensure that you would not have the means to support your family through difficult times?" Some of these officers cannot return to work—post-traumatic stress is not as easy to recover from as some might think. They need the security of knowing that their families will be looked after if something happens to them in the line of duty.

I now move on to the BlueScope decision, a \$5 million investment that I think is insufficient. The Government should look seriously at relocating the department. I remind members that a former New South

Wales Labor Government was responsible for car imports and the construction of the SeaCliff Bridge. I know the member for Heathcote has been bragging about the bridge but the former Labor Government invested \$40 million in that infrastructure. The SeaCliff Bridge is attracting many thousands of tourists and it is also being used as a backdrop in movies and in a new television program. It has been a great investment and it is a great attraction to the area.

I have referred to the significant funding for mental health that was allocated under Premier Morris Iemma—the biggest and most significant funding for mental health in the history of the New South Wales Government. I remind members that when the Princes Highway was on the agenda and the former Labor Government was in power we asked the Opposition to join us in lobbying the Howard Federal Government to have that road declared a road of national importance. If members want to search the *Hansard* I can assure them they will find that the Opposition was given ample opportunities to join us.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! Members on my right will cease interjecting. They may not like the comments of the member for Wollongong, but she deserves to be heard in silence.

**Ms NOREEN HAY:** The current Government, the former Opposition, refused to support having the Princes Highway made a road of national importance under the Howard Government. The office of the Minister for the Illawarra is closed, which again shows a disregard for the people of Wollongong. We also see cuts in the allowance for foster carers. These are the great pats on the back that Government members are giving themselves. As usual, the Coalition was misleading the most vulnerable people into believing they had nothing to fear from those opposite, that is until they got into government. The Government is taking the credit for all the Federal funding for health, which is amazing as the former Labor Government achieved that funding and it could not get support from those opposite when they were in opposition. The Howard Government cut health funding to New South Wales.

The Minister for Health did not participate in an interview in which she was invited to participate today with ABC Illawarra to talk about the trolley block that continues to worsen at Wollongong Hospital. The Government has put not one additional cent into Wollongong Hospital, and in addition there are proposed cuts to the emergency department at Bulli Hospital. We do not have much for which to be grateful in the current Government's budget. We have a lot to be concerned about over the attacks on jobs, children—the most vulnerable in our society—and women in the workplace. In addition, the health system is not being fixed. Not one additional bed has been opened at Wollongong Hospital. Quite frankly, Government members should stop patting themselves on the back and start doing a bit of work. [*Time expired.*]

**Mr ANDREW CONSTANCE** (Bega—Minister for Ageing, and Minister for Disability Services) [11.56 a.m.]: As the member for Wollongong departs the Chamber to go to her office, I suggest she read page 1 of the *Australian* today as she might see some interesting figures. What we have just heard from Opposition members is completely and utterly outrageous. The O'Farrell-Stoner Government has had to clean up 16 years of the most incompetent, corrupt, financially inept government that this State has ever seen. It is simply outrageous for the member for Wollongong to make references to health and the Princes Highway through the prism of Commonwealth and State relations when she belongs to a party that just heaped a \$1 billion cost on the State taxpayer through the carbon tax. The former government refused to fund highways like the Princes Highway.

The other claim she makes is that the new Government does not care about the vulnerable in our community. As part of this debate I am pleased to indicate to the House that the O'Farrell-Stoner Government will invest \$2 billion in growth money into disability services through the Stronger Together II plan. The reason we have been able to do this is that we are starting to get the budget under control. This State, under Labor, has lived beyond its means. As a result those opposite do not want to hear it, which is why they are not in the Chamber. We have lived under Labor which has run the State by living beyond its means. Without fiscal discipline and management we cannot invest in services in the way in which we want to invest. It is very pleasing that within the first seven months of the new Government we have been able to secure that management and put in train the fiscal discipline that now enables us to invest in services such as disability services.

The \$2 billion that the Government will invest in increased funding over the next five years will provide an additional 47 specialist places for people who suffer disability. We must recognise that the Government is experiencing a 10 per cent increase each year in demand for disability services. That enormous

increase is driven largely by the ageing of our community and, in particular, ageing parent carers who will no longer be able to care for their loved ones who have a disability. But another factor is that people with disabilities are living longer as a result of enormous and wonderful advances in medical technology.

As part of the O'Farrell Government's reforms we are committed through the budget to a person-centred approach. This approach will result in individuals being placed at the heart of decision-making when it comes to their own support services. That can be achieved in New South Wales only through an increased investment of public funds. The member for Wollongong referred to support for our community's most vulnerable people. The Federal Government has signalled its interest in a national disability insurance scheme. However, the Federal Government's announcement has been made eight years prior to the likely implementation of the scheme and will be two Federal election cycles away. That will have an enormous and profound effect across the country because State treasuries will walk away from providing increased investment in disability services for the next eight years.

Under the stewardship of Barry O'Farrell New South Wales will not make that mistake. We are determined to provide increased investment to make sure that we can build capacity in the non-government sector and ensure that ultimately we have supports and services in place for the many people who missed out as a result of 16 years of Labor Government. I am talking about tens of thousands of people. It was not until the last five years of the Labor Government's term that it woke up to the need for investment in disability services. Labor implemented the Stronger Together program, which involves a 10-year plan that largely was developed by Brendan O'Reilly and the department. The new Government will continue that program. As I indicated, we will invest \$2 billion.

Beyond the individualised and portable funding arrangements that the Government is moving towards, we will broaden and expand supported accommodation options. The funds made available will provide an additional 1,750 places, including 300 Supported Living Fund packages. The Government is determined also to look towards new community linkage and support services through an extensive statewide network of local area coordination and other decisions support. In that area the Government will invest \$128 million over the next five years. What is particularly pleasing about the way in which the State budget has delivered for the most vulnerable people in our community is that we have allocated a total of \$2.8 billion to Ageing, Disability and Home Care under the Department of Family and Community Services.

As part of the second phase of the Stronger Together strategy an additional \$137.6 million will create an additional 8,600 places this year. That total funding includes \$22.6 million on supported accommodation, including Supported Living Fund packages; \$15.2 million on community participation; \$6 million on family support; \$4 million on decision support services; \$5.2 million on community engagement; \$3.4 million on attendant care; \$3.4 million on flexible respite; \$2.6 million to non-government organisations for therapy places; and \$3.1 million on peak advocacy and information services. The total Home and Community Care budget for 2011-12 is \$678 million, which represents increased funding of the order of \$42 million in the budget as well as \$6 million that has been allocated to the New South Wales ageing grants program. The Government also will expand accommodation options for people with a disability throughout the State in the next 12 months. We are investing \$82.4 million in capital expenditure. What is particularly pleasing about this expenditure is our investment in regional areas.

There will be approximately \$1.2 billion of total investment to enhance ageing and disability services in rural and regional New South Wales over the next 12 months. Across metropolitan regions, western Sydney will receive \$673.8 million and St George-Sutherland will receive \$214.9 million. For the information of members I also mention some of the local planning area totals. In the Hunter we will spend \$329.5 million; on the Central Coast, \$104.76 million; on the Far North Coast, \$120.1 million; on the Mid North Coast, \$109.2 million; in New England, \$75.39 million; in the Illawarra, which is where the member for Wollongong hails from, we will spend \$151.5 million, which I might add is a record spend; in the Southern Highlands, \$85.7 million; in the Central West, \$89.3 million; in the Orana and Far West region, \$68.8 million; and in the Riverina-Murray region, \$97.7 million.

As indicated earlier, this funding will result in a significant rollout of new services and supports to the non-government sector across the State. The O'Farrell Government has increased the Disability, Ageing and Home Care budget by 13 per cent, yet Labor refuses to recognise that achievement. Labor members know full well that this new Government means business when it comes to supporting people with disabilities and our seniors in our community. However, that level of support cannot be achieved purely and solely by government;

it has to be supported also by a strong, vibrant, innovative and robust non-government sector. The Government funds approximately 900 organisations across the State, and \$1.9 billion of our funding will be rolled out through programs provided by the non-government sector.

I am particularly proud and pleased with the way in which the non-government sector wants to work with our new Government. That sector is determined to embrace our person-centred approach and to work in a coordinated manner to identify unmet need across the community, and fill the gaps. It breaks my heart to think that families have to go through the heart-wrenching decision of relinquishing a loved one to government or the non-government sector to provide the 24/7 role. The 24/7 love role will never stop but it is the care role that is pivotal. Unfortunately, families are reaching crisis point, but we have contingencies in place through allocations in our State budget that will cater for some emergency situations. One of the great challenges we face as a country relates to the ageing of our community and in particular ageing parent carers who will no longer be able to care for their loved ones with a disability. That is why it is important for us to roll out the new strategy in the form of the Stronger Together program and individualised and portable funding arrangements in preparation for a national disability insurance scheme.

Two major reports have been released by the Federal Government on community care—the Productivity Commission report on aged care, "Caring for Older Australians", and the report of the Productivity Commission inquiry into a National Disability Long-term Care and Support Scheme for people with disabilities, which is otherwise known as the NDIS. It will take enormous goodwill on the part of the Commonwealth to work with the States and meet needs across the community. The New South Wales Government has demonstrated its goodwill from a State Government perspective by increased investment in this year's budget and by embarking on some difficult and challenging reforms. But it is important for the Federal Labor Government to come to the table and to tackle this problem. It worries me enormously that the Federal Government has announced a national disability insurance scheme eight Federal budget cycles and two Federal elections away from its implementation.

We now have to wait to see what the "Mid Year Economic and Fiscal Outlook" forward estimates state, in particular in relation to the need to invest funding towards the establishment of a national disability insurance scheme. The New South Wales Government makes no secret of the fact that it wants to see multiple launch sites up and running for the NDIS in the Hunter, western Sydney and in other parts of the State. But that will require the Federal Labor Government coming to the table with funding. The New South Wales Government has demonstrated leadership by its increased investment in disability services, whereas the only thing the Federal Labor Government has done is give each State Treasury in the country every excuse not to increase its investment in disability services over the next eight years.

That is a tragedy and it will result in increased costs in the implementation of the new scheme. It will also result in ongoing and significant failures from government towards families to meet their individual needs. This Government also wants to see great community engagement and investment in other support services that it provides to people with disabilities and our seniors. We should unashamedly call on the community to put more dollars into support. For every dollar that the Government invests let us also see what we can obtain from the wider community. A great advantage of moving to the individualised funding model is that we will see people with disabilities at the heart of decision-making instead of being dictated to by government as to what services and supports they can have. They will be able to make choices. They will move beyond what has been the traditional service provision by the sector. This is exciting and means that we will hopefully see more dollars flow in to assist families and communities across New South Wales.

The Government's budget has a record spend in the area of Ageing, Disability and Home Care and it is enormously proud of it. We are seeing record expenditure but how will we use that money? Certainly the feedback we have obtained in the local planning areas from people with disabilities, their carers, their families and the service sector is that we should invest that money more wisely. I am determined to have better outcomes. I urge and encourage innovation in relation to the costs associated with administration in order to get far better outcomes from that scarce funding. The Home and Community Care Program is in a transition phase with the Commonwealth. Again the Australian Labor Party has been a little slow off the mark in providing information to the State, which is causing a lot of uncertainty. We expect to see far better information flow through, particularly to the service sector. Each year some 245,000 people in New South Wales are assisted through the Home and Community Care Program. New South Wales is a very significant player in that its Home Care Service provides about one-third of the services.

We want to make sure that we put in place a good contract with the Commonwealth to provide services for the next three years. We are determined to see greater information flow from the Commonwealth and we

will continue to put on that pressure. I have a country background and I am very pleased to see the way in which the O'Farrell-Stoner Government has delivered this budget. Country areas have been denied funding for 16 years under the Sydney-centric lot opposite which has resulted in significant problems for communities across this State. It was not until Ms Jillian Skinner became the Minister for Health that Bega could secure a new regional hospital as a result of the change in government. At a State level in 2006 Labor promised that hospital but did not deliver it nor put a cent towards it. It was not until the new Government, with its change in approach, that there was progress. Plans are well underway for new regional facilities in the south-east, which will benefit both my constituency and that of the member for Monaro, who is in the Chamber.

We are also seeing advancements in the Princes Highway with some \$70 million being spent in the Bega electorate on the roads program in the next 12 months. Under Labor it received 40 per cent of that amount. Without investment in regional roads lives are lost. When in opposition I tore out my hair trying to get the Labor Party to undertake work on the Princes Highway. Inroads are now being made. I acknowledge the Minister for Roads and Ports, Duncan Gay, who hails from another place, who has rolled out \$45 million for the Victoria Creek section of the Princes Highway. That section of the highway was the subject of a State Coroner's inquest. Did those opposite do anything about it? Did they provide funds to fix it? No, lives were lost and accidents occurred. This Government has now got on with the job. It is particularly pleasing to drive on that section of the Princes Highway and see massive road works underway, courtesy of the Minister for Roads and Ports.

I have no doubt that as this Government gets the budget in far better shape—we are not there yet as it will take some time—it will invest more money in infrastructure and great services in country New South Wales particularly. This Government is not prepared to live beyond its means. I note all the argy-bargy in relation to the wages policy from the Labor Party. How disingenuous and dishonest of the Labor Party when it knows full well that the wages policy that the current Government is adopting is the same wages policy of the former Government. The difference is that the current Government is prepared to act on it and take care and recognise its responsibilities.

The Government is entrusted with hard-earned taxpayer dollars of small business and families across this State to do what is right. We are determined to work through and with the public sector to deliver terrific outcomes. We will not tolerate the dishonest campaigns that are being waged by the Leader of the Opposition and his ilk. We are determined to make sure that we deliver the best outcomes for communities across this State. As the Minister for Ageing, and Minister for Disability Services I am pleased to oversee a budget that has a record spend but one that I know will provide enormous support to individuals with disabilities, their carers and their families across New South Wales.

*[Business interrupted.]*

## DISTINGUISHED VISITORS

**ACTING-SPEAKER (Mr Gareth Ward):** Order! I welcome to the public gallery officials from the parliaments of Papua New Guinea, Kenya and South Africa.

## BUDGET ESTIMATES AND RELATED PAPERS

### Financial Year 2011-2012

*[Business resumed.]*

**ACTING-SPEAKER (Mr Gareth Ward):** Order! I call the member for Monaro and congratulate him on being appointed an Acting-Speaker.

**Mr JOHN BARILARO (Monaro)** [12.18 p.m.]: I welcome the first budget of the O'Farrell-Stoner Government and congratulate the Treasurer, the Hon. Mike Baird—a fellow Manly supporter—for his fantastic job.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! I remind the member not to be unparliamentary.

**Mr JOHN BARILARO:** He has begun the process of untangling the web of destruction left by the previous Labor Government. It is appropriate to talk about the weeks and months leading up to the handing down of this budget. I express relief that the world did not come to an end on the handing down of the New

South Wales budget, after weeks and months of Labor partaking in budget speculation and telling the people of this State about job cuts and a loss of services. In Cooma in my electorate of Monaro members of the Labor Party said that the jail would close. In Queanbeyan they told the people that their jobs were on the line.

**Mr Tony Issa:** Scaremongering.

**Mr JOHN BARILARO:** Yes, that is correct. It was scaremongering that has been proven false. The Liberal-Nationals Government first budget begins the work of rebuilding New South Wales, including improved health services, roads and education for the people of Monaro. Monaro is the big winner from this Government's first budget because it is represented and has a strong voice in government. I will always be a voice for the people of Monaro and fight for a fair share of the services and infrastructure so that we can deliver them to make a difference to the lives of everybody. The scaremongering continues and the claims are false. There were weeks of irresponsible scaremongering and reckless Tweets, if one follows them, and careless media releases in regard to the Department of Primary Industries. I refer to good old second-chance Steve, who is now a member of the Legislative Council. He suddenly went quiet after we delivered the budget.

In the weeks prior to the Treasurer's speech second-chance Steve and his union mates from the Public Service Association claimed that the Government would give a green light to 25 per cent job cuts at the Department of Primary Industries. That was distressing for me as the member for Monaro, which has a strong farming sector. It was unfortunate that the former member decided to play politics with such an important issue. Second-chance Steve demonstrated just how second rate he is when he took his scaremongering road show across the State. I will share with the House a few of wordsmith Whan's pearls of wisdom.

The Hon. Steve Whan said that one in three staff at the major Department of Primary Industries research facility would be thrown on the scrapheap as the O'Farrell Government prepared to unleash its horror budget. That was false. He also said that primary industry cuts demonstrate that the Coalition will always take its most loyal voters for granted. As I said, it is disappointing that the former member chose to play politics with such an important issue. Second-chance Steve should apologise to the people of New South Wales for his inflammatory and unfounded speculation, which has caused distress in the Department of Primary Industries workforce.

The Government is investing more than \$1 billion to ensure that the Department of Primary Industries continues to provide quality services to rural and regional communities across the State. We are looking forward, not backward. I am proud to be part of a government that is committed to ensuring that the department has an important part to play in the lives of New South Wales farmers for years to come. After almost two decades of Labor's bureaucratic bungling and mismanagement we are left with a department that wants renewal and a fresh focus. Unlike the Opposition, this Government will not procrastinate when it comes to the role and responsibilities of the department and our State's agricultural community. We will deliver first-class services to twenty-first century farmers.

The real bonus for rural and regional communities from this budget is the funding provided for infrastructure. It is about rebuilding the State's economy, but at the local level. The Liberal-Nationals first budget will deliver improved health services, roads and education in the Monaro. Rebuilding New South Wales means repairing what was left behind by the Labor Government. This Government will improve services and build the infrastructure that people need to enjoy a better way of life. The Liberal-Nationals Government is conscious that if it does not get expenses under control there will be no money to fix the services that people rely on every day. This tough but fair budget is designed to rein in expenses that have been completely out of control under 16 years of Labor government.

This Government is about delivering more people on the frontline, and this budget does exactly that. It delivers 900 more teachers, 2,475 more nurses, 550 more police officers and record infrastructure investment to address the building backlog left by Labor. Spending on hospitals and health capital works over the next four years will be \$4.7 billion, which is 50 per cent more than has been spent over the past four years. As I sat impatiently listening to the debate this morning I noticed that the common theme of members opposite was negativity. We are referring to the same document, but Government members see the positives. We can see that this budget will deliver for the people of New South Wales. Members opposite have been continually negative over the first six months of this Government.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! I call the member for Dubbo to order.

**Mr JOHN BARILARO:** It must be very hard to wake up every morning feeling so negative. I get up each morning in a positive frame of mind and feeling good about the future of New South Wales. The budget contains some major announcements for the electorate of Monaro that will address the lack of attention paid to local infrastructure over the past 16 years. The Government has allocated \$3.4 million for the Perisher Range redevelopment. One of the most important election commitments that I made was the allocation of \$4 million for the Queanbeyan bypass. Queanbeyan City Council has produced a traffic and transport plan that has identified the work that needs to be done. That plan has attracted community support and the council now needs \$4 million to progress to the final stage—what I call shovel ready. To date \$500,000 has been spent and the remaining \$3.5 million will be allocated over the next three budgets.

This Government is listening to the community and to Queanbeyan City Council, which has identified this piece of infrastructure as necessary for the future of the region. Our election commitment was not supported by the former member for Monaro or his party. They tried to gazump our announcement by committing to provide \$2.7 million, but they missed the point of the \$4 million. The lack of a ring road around Queanbeyan has been a bugbear for 30 years. I recall that in 1995 Labor Premier Bob Carr visited Queanbeyan with great fanfare, as he always did. On one occasion he arrived in Bombala by helicopter, but I digress. He said that he would move the truck route away from the Queanbeyan central business district by providing a ring road. That was 16 years ago and nothing has happened. We have begun the process by announcing the allocation of \$4 million. If the Government had done what the former member suggested it would have pushed the traffic out of the central business district and into Jerrabomberra.

The former member's solution was to move the problem somewhere else. This Government will address the issue and get the trucks out of the central business district and the suburbs and improve the local lifestyle. Businesses will now be able to expand and people will enjoy their city once again. The council has recently established a lifestyle precinct for the people of Queanbeyan and by moving trucks out of the city we will create a city that people can enjoy. Many members have referred to the fact that this budget includes a \$62.6 billion investment in infrastructure. The former Government left rural and regional communities out in the cold and ignored people who live in the country. It was focused on Sydney and shoring up safe Labor seats—which, of course, are no longer safe. The rural and regional areas of this State have paid a heavy price for that neglect. Thankfully, this budget invests in all the regions, and that means better roads, hospitals and other infrastructure.

As a member of Queanbeyan City Council I know that councils need much more support. This budget includes the \$70 million Local Infrastructure Renewal Scheme, which will pay for half the interest on significant loans that councils take out to pay for important infrastructure projects. That \$70 million will unlock \$1 billion worth of funding that councils and communities desperately need to ensure that they have vital infrastructure. The budget also provides \$200 million for local roads, \$84 million for the Country Towns Water Supply and Sewerage Program, \$76 million for eligible pensioners for council rebates and so on. If we are to make New South Wales number one again we must make the local government sector the best it can be, and this budget does that.

This budget focuses on rural and regional New South Wales. It takes action to deliver key transport projects in regional New South Wales, including providing \$4.2 billion for the rural and regional road network and the upgrade of the Pacific and Princes highways. The Government has made a massive \$1 billion commitment to the Pacific Highway. This budget delivers record infrastructure spending to address the building backlog left by the Labor Government, including more than \$1 billion for hospitals across the State, including the Queanbeyan District Hospital. The budget also delivers on the commitment the Liberal-Nationals made during the election campaign that \$1 million would be provided to improve dialysis services at Cooma Hospital, which will be a great help to the ageing population.

Also, \$280,000 is allocated in this budget for the Braidwood multipurpose service. This is a great story. The community raised \$220,000 of its own money for improvement works for the Braidwood multipurpose service. It was a mammoth task for the small Braidwood population to raise \$220,000. It has taken a lot of effort to raise that sort of money and those involved in that fundraising are to be congratulated. It was therefore important that the Government committed funding to those works, and I am proud to say that the Government more than matched the community's effort with a commitment of \$280,000. This was an election commitment, and we will continue to deliver in next year's budget.

In line with the many policy and legislation announcements it made, the O'Farrell-Stoner Government is all about getting on with the job of doing business in New South Wales. In tourism it has established

Destination NSW and delivered \$5 million for regional training organisations. I appreciate that the Minister for Tourism is at the table, because he was in my electorate only recently to announce a \$250,000 tourism allocation, then topping it up with another \$10,000. Minister, we appreciate that because we know what that will do for tourism in the Monaro electorate. The Monaro is one of the greatest tourist destinations in this State. The member for Dubbo might point to the zoo in his electorate, but Monaro has the Snowy Mountains and what I believe should be the number one ski destination not only for Australian tourists but also those who would go to New Zealand. My goal is to make the Snowy Mountains the number one ski destination, attracting skiers not only from Australia but also from overseas. These mountains are a beautiful part of the world—what I call the jewel in the crown.

The Jobs Action Plan is about creating 100,000 new jobs in New South Wales through payroll tax rebates. That brings me to a comment made by the Leader of the Opposition in question time in the last session. When the Premier was talking about the payroll tax rebate I heard the Leader of the Opposition interject and say something that I thought must have been wrong, although he kept yelling it out. He said a number of times, "A payroll tax rebate won't get small business to take on more employees." I was not sure whether I heard the Leader of the Opposition correctly, but he said something like that two or three times. A check of *Hansard* might confirm that. I could not believe my ears that this came from the Leader of the Opposition, who claims to represent the workers and the families, who are the heart of small business in this State. Those who know me are aware that my background is small business and that I am passionate about small business.

My business is an example. We see ourselves as a small business and we employ between 10 and 14 workers at times. We are a manufacturer, and I might add that we will be impacted by the carbon tax. But I will not go there now. As a small business we pay payroll tax and have been doing so for a number of years. Businesses with 10 to 14 employees are small businesses and they pay payroll tax. I do not understand the Leader of the Opposition. I do not think he understands small business at all. This rebate will allow our small business and other small businesses to employ more employees and generate jobs in the wider community.

The budget is about rebuilding finances, rebuilding front-line services, rebuilding infrastructure, and rebuilding support for the vulnerable in our communities. Earlier we heard the Minister for Ageing, and Minister for Disability Services talk about the record investment that this Government has made in disability services. As Cabinet came to the Monaro only last week, I know the Minister met with a number of people who look forward to the next few years and the Government addressing ways in which to fund disability services. Of course, the budget is also about rebuilding confidence in government, which is very important, especially after 16 years of an inept, borderline and corrupt government that really set standards of what not to do. It has rewritten the book about what not to do in government. The O'Farrell-Stoner Government has the opportunity to show what good, transparent and honest government is all about. That is important in rebuilding confidence in government.

For the Monaro, the budget delivered on a number of fronts, some of which I touched on earlier but some other, smaller projects are also important. In regard to Aboriginal housing the budget makes a \$410,000 investment. The court upgrade program continues, with another \$500,000 investment. Regarding education in our community, \$227,000 is allocated for continuation of the upgrade works on the Jerrabomberra Public School, and more than \$1.7 million is allocated for continuation of the upgrade of the Queanbeyan Industry Training College. I mentioned earlier what is happening with hospitals in the electorate. For the Perisher Range redevelopment \$3.4 is allocated.

I keep talking about the importance of the mountains to the electorate but just as important to my electorate is the timber industry, and the budget allocates \$6.5 million for the purchase of softwood plantation land right across our area, in addition to an allocation of \$200,000 for additional infrastructure in Bombala. This is about investing in jobs in regional communities, not taking jobs out of the area. In Bombala we are lucky to have a very good company in Tasco Australia, which at the moment is undertaking a \$69 million investment in its mill, securing 100 jobs there. That company's forward planning and investment for the next two to three years will deliver even more jobs for the people of Bombala and that region. The timber industry is very important. My background is in the timber industry, and I am passionate about the fact that we support small business, that we support regional and rural businesses, and that we support the timber industry, because all those industries are interconnected. Of course, in my electorate, the farming sector is just as important.

Also in the budget is more than \$1.6 million for social housing in the Monaro electorate, with just on \$1.2 million for upgrades. I am sure that roads are the number one issue for every member of this Chamber. For the Monaro electorate we have the announcement of \$6 million for the Monaro Highway—\$3 million in this

budget and \$3 million in the next budget. I am proud to say that today the Government announced the first works to be undertaken with that \$6 million. We have identified an overtaking lane between Michelago and Bredbo. The survey pegs are out for this first project in \$6 million marked for works to upgrade the Monaro Highway. Over the coming months we will continue to identify where the rest of that money will be spent to make the Monaro Highway safer, not only for tourists but also for transport.

Decisions about where that money is to be spent are not made by me or by a central agency in Sydney; Roads and Maritime Services has been engaging with the Bombala Shire Council, the Cooma-Monaro Shire Council and the community to identify priority projects that will make a difference to users of that roadway, whether they be visitors or locals. This is a great budget for the people of New South Wales but also for the Monaro. The people of the Monaro have in me a passionate member who will fight for a fair share of services and infrastructure. I will do that along with my colleagues as part of a team to rebuild not only the State but also local, regional and rural communities. 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.**

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

### **REDFERN-WATERLOO AUTHORITY REPEAL BILL 2011**

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

## **CLUBS, LIQUOR AND GAMING MACHINES LEGISLATION AMENDMENT BILL 2011**

### **Consideration in Detail**

**Consideration of the Legislative Council's amendment.**

*Schedule of the amendment referred to in the Legislative Council's Message of 19 October 2011*

No. 1 Page 26, schedule 3[31], line 11. Omit "not required". Insert instead "required unless the transferring premises and the other set of premises are situated in the same local government area".

**Mr GEORGE SOURIS** (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [12.38 p.m.]: I move:

That Legislative Council amendment No. 1 be disagreed with.

The Government disagrees with the amendment made to the bill in the Legislative Council. The amendment would not only overturn the Government's proposed reforms to the entitlement forfeiture requirements in section 21 of the Gaming Machines Act; it would also undo concessions introduced by the former Government in 2008. The bill introduced by the Government provides much-needed reforms to the club industry to help secure its viability in the future, including reforms to help facilitate amalgamations and de-amalgamations. These reforms simplify the club amalgamation and de-amalgamation process as provided for in the Government's "Strong Clubs, Stronger Communities" memorandum of understanding with Clubs NSW in October 2010.

The existing forfeiture requirements associated with gaming machine entitlement transfers provide a significant barrier for clubs considering amalgamating or de-amalgamating. While there is currently no forfeiture required for entitlement transfers between related clubs in the same local government area, forfeiture does apply to transfers between related clubs situated in different local government areas. The bill introduced by the Government removes the forfeiture requirements for entitlement transfers when transferring between amalgamated or related club premises regardless of location. This is an important reform for clubs that may seek an amalgamation partner or are considering merging with another club, as entitlements are an important club asset and it is not always possible to find an amalgamation partner situated in the same local government area.

This reform will reduce costs and allow the movement of entitlements between amalgamated club premises without loss while helping to provide greater flexibility for clubs in operating their gaming machines. The amendment made in the Legislative Council would remove that flexibility and impose a significant cost by requiring forfeiture when entitlements are transferred between related clubs in different areas. It also represents an unintended misconception of how the existing legislation operates. The entitlement transfer and gaming

machine threshold schemes under the Gaming Machines Act are functionally separate. While the bill introduced by the Government would allow related clubs to transfer entitlements between related club premises, these amendments do not diminish the statutory test, which requires the assessment and analysis of proposed increases in gaming machines in an area.

The overarching policy intention of the scheme in the Gaming Machines Act remains unchanged, that is, any overall increase in gaming in a local government area is subject to appropriate assessment. Any proposal to increase the maximum allowable gaming machines at a club is still subject to the threshold scheme and local impact assessment requirements. In higher gaming machine density areas, such as band 3, the more rigorous class 2 local impact assessment would still be required. A class 2 local impact assessment would also still be required for larger increases in lower density areas such as band 1 and band 2. I am advised that only one class 2 local impact assessment has been approved since new controls were introduced in 2008. In that case, the club only sought a small increase of two machines.

The existing system requires that threshold increase applications are considered first through the local impact assessment process before a decision is made to grant an increase in the maximum number of gaming machine entitlements a club can hold. This rigorous process requires the applicant to demonstrate to the independent Casino, Liquor and Gaming Control Authority that the granting of an increase will have a positive impact, both social and economic, on the local community. It is only upon the subsequent approval of an application to transfer entitlements, and only after any necessary threshold increase has been approved by the authority, that the forfeiture requirements apply.

The amendment that the Opposition made to the original bill in the Legislative Council abandons the recognition of the special relationship between related clubs, which allows larger, more successful clubs to support and assist their smaller clubs to continue to operate and provide facilities for the community. The Opposition, when in government, acknowledged the need to recognise and support the unique relationship of related clubs in 2008 when it introduced the current one in six concessional forfeiture rate applying to related clubs in different areas. Now that Labor is in opposition, however, it moved an amendment in the Legislative Council that overturns the Government's reforms, which sought to remove the forfeiture requirement for related club transfers, and undoes the concessional one in six forfeiture rate applying to transfers between different local government areas—a concession that it introduced when last in government. The Opposition's amendment would result in transfers between amalgamated club premises in different local government areas being subject to the higher one in three rate that applies to all other clubs and hotels.

To illustrate the impact of the Opposition's amendment, the transfer of 50 entitlements from one related club to another would require the forfeiture of 17 entitlements. If circumstances changed and those entitlements, now only 33, were transferred back to the related club, a further 11 entitlements would be forfeited, leaving only 22 entitlements from the original 50 being returned. The Opposition's amendment jeopardises the potential for amalgamations to occur with clubs in different areas and the viability of club de-amalgamation, putting at risk some already struggling clubs and their community assets. The amendment effectively introduces a penalty for clubs seeking to amalgamate to ensure their ongoing viability and jeopardises the chances of a de-amalgamating club restoring its former gaming operations prior to an amalgamation. A policy intent of the forfeiture scheme is to permit the transfer of machines away from higher density areas to local government areas that have a lower density of machines.

The amendment made in the Legislative Council would create a disincentive to such a transfer and effectively undermine the existing scheme. That is why the Government is referring the amendment back to the Legislative Council. Having said that, the Government appreciates that there are concerns about gaming machine increases in band 3 high gaming machine density areas. It is the Government's view that the system is working well. However, the Government is prepared to commit that if in the future the system were to operate in a manner inconsistent with current practice, the Government would respond without hesitation to review the operation of the legislation with the intention of strengthening the policy. The Government also appreciates that there are concerns about the protection of club worker entitlements in club de-amalgamations, which was the subject of debate in the other place.

The Government appreciates the need to protect club worker entitlements when a club may de-amalgamate and has already addressed those concerns in the other place by indicating that provisions already exist in the Long Service Leave Act. Moreover, I am aware that Clubs NSW, the peak industry body for the club industry, wrote on 8 November 2011 to the Hon. Steve Whan assuring him that workers' entitlements are already protected under the Long Service Leave Act 1955 and the Fair Work Act 2009; that clubs have a long

and proud history of treating their workers fairly; that Clubs NSW will shortly issue advice to all clubs on the subject of de-amalgamation and the preservation of long service leave entitlements, informing clubs that these must be preserved; and that Clubs NSW intends to amend its club code of practice and best practice guidelines accordingly at the earliest opportunity.

The Government will commit to ensuring that employees do not lose long service leave or other leave entitlements, and that funds are available to cover accrued entitlements on transfer to the de-amalgamating club—and I have written to the Hon. Steve Whan confirming this. I place on record my appreciation of the work done by my policy adviser, Mr Frank Marzic, staff member Jenesh Patel, and also the negotiations and discussions that occurred with the shadow Minister in another place, the Hon. Steve Whan.

**Mr PAUL LYNCH** (Liverpool) [12.47 p.m.]: The Opposition does not oppose the motion moved by the Minister concerning the Legislative Council's amendment. As the Minister indicated, there have been discussions concerning the bill and the amendment between him and the shadow Minister, the Hon. Steve Whan. Those discussions centred around two issues: first, the security of club worker entitlements in a club de-amalgamation and, second, the exemption from forfeiture of gaming machine entitlements for amalgamated clubs should amalgamation result in the transfer of entitlements into a band 3 area.

There has been a written undertaking from the Minister, to which he has referred, concerning those issues, and a letter from Clubs NSW to which the Minister has already referred. The Hon. Steve Whan might talk about those issues in a bit more detail when the matter goes back to the upper House. I simply note that I have previously made comments in debate on this bill concerning the security of club worker entitlements in a club de-amalgamation. It seems that, when asked, Clubs NSW was happy to supply a degree of comfort in relation to this area. It is a pity that the Government did not achieve that degree of comfort to begin with; it took the Opposition to force out the issue.

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

**Motion agreed to.**

**Legislative Council amendment disagreed with.**

**Motion by Mr George Souris agreed to:**

That the following message be sent to the Legislative Council:

MR PRESIDENT

The Legislative Assembly having considered the message dated 19 October 2011 in which the Legislative Council requested the concurrence of the Legislative Assembly with an amendment to the Clubs, Liquor and Gaming Machines Legislation Amendment Bill, informs the Legislative Council that the Legislative Assembly disagrees to the proposed amendment because:

The amendment would result in unintended consequences and does not add to the existing statutory arrangements which require strict assessment of proposed increases to gaming machine entitlement numbers that may be held by a club.

Registered clubs wishing to amalgamate or de-amalgamate do so for reasons of survival and maintaining long term financial viability.

The current statutory arrangements for amalgamated clubs are:

- No forfeiture of gaming machine entitlements if transferring within the same Local Government Area [LGA]; and
- A reduced '1 in 6' forfeiture rate (instead of the usual '1 in 3') if transferring between amalgamated club premises in different LGAs.

The bill as passed by the Legislative Assembly simply intends to restore the former position of amalgamated clubs which have decided that de-amalgamation is the current preferred course of action.

The bill would also remove all forfeiture of gaming machine entitlement transfers between amalgamated club premises.

Clubs that previously amalgamated have done so under the relevant forfeiture arrangements. To require a further forfeiture is a major disincentive, and is likely to deter clubs from participating in the amalgamation process.

The bill would not change the policy in the Gaming Machines Act 2001—ie any overall increase in gaming machine numbers in an LGA is subject to an appropriate assessment.

A proposed gaming machine threshold increase to enable a club to increase the maximum allowable number of gaming machines is still subject to a Local Impact Assessment [LIA]. In higher gaming machine density LGAs, such as a Band 3 area, the more rigorous Class 2 LIA would still apply. A Class 2 LIA would also still apply for larger increases in lower density areas, such as Band 1 and Band 2 areas.

An increase in gaming machine entitlements is a separate and distinct matter which is unrelated to transfers upon amalgamation, or restoring gaming machine entitlements to former clubs after a de-amalgamation process.

The proposed Legislative Council amendment would abandon the recognition of the special relationship between related clubs—a relationship which allows larger, more successful clubs to support and assist smaller clubs to continue to operate and provide facilities for communities.

The proposed Legislative Council amendment would be a significant disincentive for clubs to participate in the amalgamation process. Clubs considering possible amalgamation and de-amalgamation scenarios to improve their future viability would be placed in a position where such actions would be counterproductive to survival and outweigh the costs of participating in amalgamation and de-amalgamation.

Legislative Assembly  
10 November 2011

SHELLEY HANCOCK  
Speaker

## BUDGET ESTIMATES AND RELATED PAPERS

### Financial Year 2011-2012

#### Debate resumed from an earlier hour.

**Mr TONY ISSA** (Granville) [12.53 p.m.]: It gives me much pleasure to support the first budget of the New South Wales Liberal-Nationals Government. This Government is different from the previous Government in that it has been elected to make New South Wales number one again. People elected this Government to make the hard decisions on their behalf and to restore the New South Wales economy after the former Labor Government left this State with a massive budget deficit. The people in New South Wales voted for a change of government after the former State Labor Government lost control. The former Labor Government left this State with a \$5.2 billion deficit, but it is the intention of this Government to return the budget to surplus. The Liberal-Nationals Coalition was elected to make this State number one again and this budget delivers on its election commitment. This Government, which is aware of its fiscal responsibilities, will rebuild this State's finances and return them to surplus. The Government has commenced its structural reform program to improve the quality of public services by introducing the Police Amendment (Death and Disability) Bill 2001 and legislation that will implement its public sector wages policy. This Government's first budget is a record health budget—something that you failed to do.

**ACTING-SPEAKER (Ms Melanie Gibbons)**: Order! I remind the member for Granville to direct his comments through the Chair.

**Mr TONY ISSA**: In its term in office the former Labor Government failed to deliver a record health budget. This Government is committed to upgrading this State's roads and highways and constructing the North West Rail Link. Time does not permit me to refer to all the projects to which this Government is committed, but there are budgetary allocations for transport, roads, health, education, police, infrastructure, disability services, the environment, job investment, regional New South Wales, the economy and other important services. This Government is committed to improving health services, transport services and roads for people in my electorate of Granville. They are the ones who will benefit from this budget. However, if we are to rebuild New South Wales we have to repair what was left behind. This Government will improve services and build the infrastructure that is needed in New South Wales. If this Government does not restore the New South Wales economy there will be no funding to provide the services on which people rely every day. This budget will deliver an additional 2,475 nurses and an additional 900 teachers—

**Dr Geoff Lee**: How many?

**Mr TONY ISSA**: An additional 900 teachers.

**Dr Geoff Lee**: Excellent.

**Mr TONY ISSA**: This is an excellent budget from a good Treasurer. This budget will also deliver 550 additional police officers, which will be of benefit to all those living in the Granville and Parramatta electorates. This budget delivers record infrastructure investment to address the building backlog that was left

by the former Labor Government. We have to take care of the mess that was left by Labor. Over the next four years expenditure on hospitals and health capital works will amount to \$4.7 billion—50 per cent more than any amount allocated for hospitals and health capital works by the former Labor Government in its 16 years in office. The Government is providing a significant amount of funding for an additional 14 acute care beds in Westmead Hospital and \$45 million for the redevelopment of the Westmead Millennium Institute. The member for Parramatta and I were present at Westmead Hospital when the Minister for Health announced this Government's commitment to medical research.

**Dr Geoff Lee:** Indeed.

**Mr TONY ISSA:** My colleague Dr Geoff Lee, the great member for Parramatta who is supportive of my comments, was present with me at Westmead Hospital to hear the Minister for Health make that commitment. The Government will also invest \$250 million in the Youth and Road Trauma Forum which will be held at Westmead Hospital to help reduce the fatality and injury rates of young people. This Government is concerned about everyone in New South Wales, which cannot be said for those opposite. You neglected the people in this State.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Granville will direct his comments through the Chair.

**Mr TONY ISSA:** The budget will provide an additional \$200 million for blackspot funding and to reduce road congestion. This will include an amount of \$2 million to reduce bottlenecks on the M4 and to widen the west-bound exit ramp on Cumberland Highway. Opposition members do not know what a bottleneck is as they have never driven along that highway. The member for Cabramatta does not know about the bottleneck because he does not drive the highway. The previous Government failed to do that work.

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

**Mr TONY ISSA:** Transport has received \$102 million for more express train services and \$18 million has been allocated this year for the Lidcombe to Granville rail upgrade. The previous member for Granville failed to deliver anything other than empty promises. The \$40 million in the Park and Travel Safety Fund means better safety for commuters through more closed-circuit television cameras, lighting and help points at stations. Of that funding, \$16.9 million will be spent in the Granville electorate over the next four years. The electors of Granville have put their trust in me to represent them. After 78 years of Labor control in Granville, the people lost trust in Labor. So they elected somebody else to represent them who they were confident would deliver services for them.

There is more additional expenditure for Granville. Listen to what we get for Granville. The member for Cabramatta might like to pass on this information to the former Labor member for Granville, David Borger. Some 24 additional NightRide bus services will run on Thursday, Friday and Saturday nights between 1.00 a.m. and 4.00 a.m. from the city to Parramatta, Merrylands and Granville. The member for Parramatta also benefits—we work together. We are providing a safe and secure transport service for our community that operates when the trains have stopped running.

**Dr Geoff Lee:** We care about our young people.

**Mr TONY ISSA:** We do. Social housing new work and upgrades total \$6.5 million. Road projects total \$6.3 million, which includes completion and construction of a shared-use path along the southern side of the M4 from the Fox Street and Railway Street underpass to 100 metres west of Ledger Road, Holroyd. The former member did not know that area existed.

**Dr Geoff Lee:** That was your promise before the election.

**Mr TONY ISSA:** It was not just a promise: I told the community that I was committed to working with local people and to delivering services. That is what I said, and the people trusted my commitment. They said, "You are not just Mr Promise", and I said, "No, I am committed to delivering for my community." There is also funding for school zone flashing lights. I urge members to drive around the Granville electorate. They will see that Blaxcell Street Public School, which has 800 young students, has no school zone flashing lights. Little kids cannot cross the road safely.

**Dr Geoff Lee:** How many kids?

**Mr TONY ISSA:** Over 800 kids—920 or so. I am looking after them. We promised that flashing lights would be installed at Blaxcell Street Public School and Granville Public School before the end of November, but the work is ahead of schedule and will be completed well before then.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! Members on both sides of the Chamber will cease interjecting.

**Mr TONY ISSA:** The new hall at Hilltop Road Public School could not be completed without the allocation of \$9,000. I had the privilege and honour to be there the day that hall was opened, representing the Minister for Education.

**Mr Nick Lalich:** That was planned by Labor before the last election.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Cabramatta will have an opportunity to contribute to the debate.

**Mr TONY ISSA:** We finished it. You could not deliver services.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Granville will direct his comments through the Chair.

**Mr TONY ISSA:** The former member for Granville is on the board of Blaxcell Street Public School. He attended parents and citizens association meetings every month, enjoyed the coffee and cake at the end of the night and made promises. When I visited the school during the election campaign I was shocked to see potholes in the playground. Kids were being injured every day. I talked to the then shadow Minister, now Minister for Education, who said, "We will give you \$200,000—the maximum amount—for this school. We are going to let you manage that fund, upgrade the school and make it safe for the kids there".

**Mr Nick Lalich:** It was all planned by Labor.

**Mr TONY ISSA:** We did that. I am pleased that next week the Minister and I will take that cheque to the principal, and say, "We promised \$200,000 and here is \$200,000—get on with the work." I want local tradesmen to do that work.

**Mr Nick Lalich:** Have you got the cheque?

**Mr TONY ISSA:** I will get the cheque and we will deliver it next week. I will bring the member a photo of the cheque and the students. He might learn something and do the same in Cabramatta. Although we did not promise it, we also gave the school \$10,000 to upgrade its intercom system. We will deliver services; we will be different.

**Mr Nick Lalich:** What about all the other schools?

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I call the member for Cabramatta to order for the second time.

**Mr TONY ISSA:** We will assist them, one by one. Rome was not built in a day. After 16 years of mismanagement, it will take time to clean up Labor's mess. Give us time and we will do it. The budget contains a \$2-billion program to support people affected by disability, including \$866,225 for new villa accommodation in Granville, comprising three beds for people with a disability with high-support needs. People with a disability have been left behind and we are trying to look after them. Overall, the Granville electorate has been allocated \$14.9 million.

**Dr Geoff Lee:** How much?

**Mr TONY ISSA:** It is \$14.9 million. That does not include major allocations for Health and Transport, which the electorate will benefit from also. This is the allocation for Granville only. The New South Wales Liberal-Nationals first budget delivers on our commitments and starts the process of rebuilding New South Wales after 16 years of Labor Government mismanagement.

**Mr Nick Lalich:** Four elections.

**Mr TONY ISSA:** What a waste of time. I forgot to mention the Granville car park. I think the Leader of the Opposition referred to that. What an embarrassment for him. In the month following my election I went through every drawer in the office vacated by the former member to see whether some cheques had been left behind.

**Dr Geoff Lee:** Shame.

**Mr TONY ISSA:** People knocked on my door every day and said, "We were promised \$10,000, \$50,000, \$70,000 by the previous member; please look in the drawer in case a cheque has been left behind."

**Dr Geoff Lee:** How many promises?

**Mr TONY ISSA:** Hundreds—I lost count. I looked in every drawer but I could not find any cheques. The former member said he secured a commitment of \$6.2 million for the Granville car park. I worked hard for a month, searching through every departmental budget—Transport, Roads, everywhere—to find out where that \$6.2 million went. They said it was a lie; there was no commitment. No money had been set aside. They said, "Mr Issa, you have to start from scratch; you have to start from the beginning. Forget about what happened in the past". At 10 o'clock tomorrow morning—the member for Cabramatta is invited to attend if he wants—I will meet with the Minister for Transport to try to work out a strategy for delivering a car park to the community. The first meeting is tomorrow. After that I will consult with Parramatta City Council to make sure that we put the right car park in the right spot. I have been a councillor for 24 years and I have never had a consultation—

**Mr Nick Lalich:** Ask them what happened to my car park in Cabramatta.

**Mr TONY ISSA:** You are a loser. Let me finish—you might learn something.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Granville will direct his comments through the Chair.

**Mr TONY ISSA:** After I meet with the Minister I will arrange a meeting with Parramatta City Council—the council I proudly served for 24 years, including as Lord Mayor of the City of Parramatta—to try to find a car park location that the community deserves. The council has told me that there was never any discussion or consultation with the previous member.

**Dr Geoff Lee:** Shame. You were Lord Mayor.

**Mr TONY ISSA:** No, it was never brought to my attention. I was simply told that there was \$6.2 million and a site to build a car park. Somebody told me they had a cheque, and I asked them to show it to me.

**Dr Geoff Lee:** Promises.

**Mr TONY ISSA:** It was a propaganda campaign—promises. I said, "Let me see it". I was surprised that the former member organised a petition in support of a car park. But nothing happened. Does any member remember that petition being presented in the House? I do not think it was. The member for Cabramatta was here, but he must have been asleep. People signed a petition promising a car park but it was never brought to the House. That is a shame. The Leader of the Opposition should apologise to the people of Granville for disparaging me in Granville and for asking me in this House about the Liberal Party's commitment to building the car park. I have been a member of this House for just five months, yet the Leader of the Opposition expects me to deliver a car park that the previous Labor Government promised to the people of my electorate for approximately 16 years.

**Dr Geoff Lee:** Sixteen years of hard Labor.

**Mr TONY ISSA:** What a waste of time. After 16 years of Labor mismanagement, the O'Farrell Government needs to build confidence by taking control of the State budget. The Liberal-Nationals Government of New South Wales is accountable to the people of this State in a way that the former Labor Government never was.

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

**Mr TONY ISSA:** We are accountable to the people. The Liberal-Nationals Government listens to the people. Labor listens to unions. That is the problem.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Port Macquarie will be heard in silence.

**Mrs LESLIE WILLIAMS (Port Macquarie) [1.10 p.m.]:** Madam Acting-Speaker—

**Dr Geoff Lee:** This lady is a very good member.

**Mrs LESLIE WILLIAMS:** I thank the member for Parramatta for his acknowledgement. It is with great pleasure that I congratulate the O'Farrell-Stoner Government on its first budget, a budget that, most importantly, delivers for regional New South Wales—a mark that previous State budgets have fallen well short of. As the member for Port Macquarie I am proud to be a recipient of the benefits of having The Nationals represented in a Government that has delivered improved health services and roads across the Port Macquarie electorate. We came into the budget process with a black hole. Despite the banter we consistently hear from the Labor Opposition, it was real, and it put the State's triple-A credit rating under threat.

As a responsible Government we have turned around the financial mismanagement left to us by 16 years of Labor and we are funding election commitments in my electorate to the tune of \$80.2 million. I feel as though I should repeat that for the benefit of a previous member of this House who has moved to another House in another city. He claimed in the media that there are "no pet or personal projects" from the member for Myall Lakes or me, the member for Port Macquarie. He went on to state, "... surely MPs are elected to do something and to fight for real outcomes for our region." I ask him to listen carefully instead of just restating the spin and hypocrisy that we hear continually. If he does so, he will note that I am delivering what the people of my electorate want, and not a carbon tax that they do not want.

My electorate has seen already the benefits of a Liberal-Nationals Government resolving many issues for local community groups and individuals, even before the budget was handed down in September. I was pleased that the Minister for Ageing, and Minister for Disability Services, the Hon. Andrew Constance, visited my electorate on a number of occasions prior to the election and in the weeks following the historic 26 March poll. He immediately responded to the needs of our local disability sector by delivering \$34,000 for NewIDAFE Inc. for expansion of its facility to cater for the increasing number of people with disabilities who use the service. People Builders, which is a Christian-based community service that has been operating in the Hastings for over a decade, received thousands of dollars to assist in the running of a deaf awareness program for local businesses. That program has resulted in the local council convening a course for staff to learn sign language, or Auslan.

The Hastings No Interest Loan Scheme received a grant of \$36,000 to enable it to continue to deliver vital financial support services to our disadvantaged residents. This scheme provides interest-free loans of up to \$1,200 to low-income earners in difficult financial circumstances so that they can buy essential household or medical products and services. In August the Minister for Roads and Ports, the Hon. Duncan Gay, honoured his pre-election commitment to install flashing lights at the Hastings Public School to improve school zone pedestrian safety. By the end of 2011 there will be more than 740 flashing light school zones across the State covering more than 900 schools, with the Hastings Public School being among the first to receive them in this \$13 million rollout by the New South Wales Government. Lighting for location markers at the Harrington and Coopernook intersections on the Pacific Highway was installed in October. The speed limit in the town of Coopernook has been reduced to 50 kilometres an hour. These matters have been on the community's wish list for years.

I also acknowledge the presence in the House of the Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales, the Hon. Kevin Humphries, who recently visited my electorate and delivered \$10,000 to the Hastings Men's Shed and the Kendol Men's Shed. As a former treasurer of my local Men's Shed, I understand the struggle of these organisations to meet increasing costs of electricity and consumable products. The Government's grant of very much-needed funds was entirely welcome, and that occurred before the budget was handed down in September.

On a broader note, the New South Wales Liberal-Nationals must be congratulated on delivering a budget that begins to take steps towards repairing what was left behind after 16 years of Labor by improving

services and building infrastructure that the people of New South Wales really need. At the same time the Liberal-Nationals are very conscious that if we do not get expenses under control, there will be no funds to provide the services upon which people rely each and every day. It is great to see that we are not only delivering infrastructure but also delivering on our commitment to provide more teachers, more nurses and more police officers. In Port Macquarie the budget delivers \$16 million this year to expand the inpatient services at the base hospital. That marks the commencement of a \$110 million development that will be funded jointly by State and Federal governments. This much-needed expansion includes a new emergency department, additional medical and surgical inpatient beds, new and expanded operating theatres and day surgical suite, and a new critical care unit and cardiac catheterisation laboratory.

That funding also delivers more front-line staff, with a commitment of \$2.7 million to employ 38 more nurses in the Mid North Coast Local Health District, including three clinical nurse-midwife educators and specialists to support nurses who are caring for patients. That is a new concept for the North Coast, where we previously had seen nursing positions cut. That put added pressure on front-line staff as they struggled to cope with our expanding and ageing population. The budget also includes an allocation of \$260,000 to complete the establishment of the second linear accelerator at the North Coast Cancer Institute. This is all just part of a \$4.7 billion spend on hospitals and health capital works by the Government—a 50 per cent increase in the funding provided during the past four years.

The budget also invests more than \$1 billion in the long-awaited upgrade of the Pacific Highway to a dual carriageway, which represents an increase in the New South Wales Government's commitment by 94 per cent from 2009 to 2014. Previously I have joined with my colleague the member for Coffs Harbour to speak about this issue in the House to highlight why it is so important that this major infrastructure project must, and will, remain a top priority for this Government. In relation to the Oxley Highway, \$23 million will be spent this year to complete construction of the upgrade between Wrights Road and the Pacific Highway, and \$178,000 will be spent to construct passing lanes between the Pacific Highway and Wauchope. The Oxley Highway upgrade is due to be completed early in December. That will be a day of celebration for our local communities.

In relation to the Pacific Highway, \$28 million has been allocated for the continuation of the construction of a dual carriageway upgrade between Herons Creek and Stills Road. Meanwhile, an additional \$12.8 million is being spent on planning for the upgrade of the Pacific Highway between the Oxley Highway and Kempsey. Other roadworks include \$650,000 for pavement building on the Oxley Highway at Sarah's Creek, \$539,000 to repair the Dennis Bridge and \$500,000 for upgrading the Pacific Highway and Houston Mitchell Drive intersection. Stingray Creek Bridge is a priority for the Camden Haven community. This year's budget has provided \$3.2 million for the project to the Port Macquarie-Hastings Council. As part of the Roads budget allocations, \$910,000 has been granted for the restoration of natural disaster damage to roads and bridges along with \$760,000 in grants for the council's regional roads as well as \$2.8 million for routine and minor maintenance works on State roads across the electorate.

As many members of the House know, I am passionate about improving services for people with disabilities and their carers. I congratulate the Minister for Ageing, and Minister for Disability Services, the Hon. Andrew Constance, on including a five-year \$2 billion program in the budget for disability services. This is the largest funding commitment to disability services made in the nation's history. In Port Macquarie, it will result in an allocation of \$709,625 for a new five-bed group home for people with a disability, which certainly is a welcome addition to the existing facilities. The package of measures to improve ageing and disability services will result in an increase in disability service capacity by an estimated 47,000 places, which will mean a great deal to many people in the Port Macquarie electorate.

The budget also delivers \$1 million for refurbishment of the Port Macquarie Court House, which will provide improved access. I am pleased that the two local councils in my electorate—the Port Macquarie-Hastings Council and the Greater Taree City Council—will be able to apply for financial assistance to help clear the infrastructure backlog in New South Wales. The Local Infrastructure Renewal Scheme will pay for large infrastructure projects, such as roads, community halls, libraries, paths, parks, sports fields and water facilities. Funding has also been allocated in the budget to expand the Forum Sentencing program to include Port Macquarie. The program gives victims of crime a role in determining an adult offender's sentence and is currently operating at 33 locations across New South Wales.

The Port Macquarie electorate is renowned for its high number of volunteers, and one of the best examples of this is the recent Ironman event, which saw some 800 community members turn out to provide

support for the almost 800 competitors along the gruelling course, delivering sustenance, first aid and welcome cheers to entice them to the finish line. The \$1.3 million in the budget to develop and implement the State's first Volunteering Strategy, which will focus on providing greater support for our volunteers, retaining and increasing volunteer numbers as well as celebrating the dedication of volunteers, is long overdue.

In the Primary Industries portfolio \$90 million has been allocated to the Fishing and Aquaculture units, some of which will go towards funding the Government's commitment for a scientific audit of marine parks as well as restructuring the commercial fishing industry. I have met many times with representatives of our local commercial fishers who have been calling for an overhaul of the industry, and I am sure they will welcome this move. More than \$12 million will also be spent on coastal infrastructure works at eight locations along the coast including Port Macquarie. I also commend the Minister for Education, the Hon. Adrian Piccoli, for his recent announcement that the long-awaited Lake Cathie Public School will open for term one in 2015. Yes, this is one of my pet projects and one that the local community asked the Labor Government to commit to for more than a decade. But, like so many other local issues, it simply fell on deaf ears.

In conclusion, Premier Barry O'Farrell is to be applauded for the launch of an impressive plan to make New South Wales number one again with a massive blueprint that is set to create 475,000 jobs and deliver \$650 billion in new business investment over the next 10 years. NSW 2021 is the Liberal-Nationals 10-year strategic plan, setting immediate priorities for action and guiding resource allocation with the New South Wales budget. The NSW 2021 plan will target five key areas to rebuild the economy, return quality services, renovate infrastructure, strengthen our local environment and communities, and restore accountability to government. I think one of the most striking aspects of this plan, which is unquestionably an exciting and ambitious strategy, is that my local community will be involved in delivering change by identifying actions to improve outcomes. I believe that is the defining point that differentiates this Government from the previous Government.

We have and will continue to engage with local communities, listen to what local communities have to say and, as demonstrated by our first budget, we will deliver for local communities. Yes, this Government has taken some tough action to balance the State's finances and, like other members on this side of the House, I make no apology for that, but rather applaud the Treasurer, Mike Baird, for ensuring that in doing this he has delivered improved services and infrastructure for the people of New South Wales, the people of regional communities who have been ignored for too long by the Labor Government, and of course for the Port Macquarie electorate. I commend the appropriation bills to the House.

**Mr KEVIN ANDERSON** (Tamworth) [1.22 p.m.]: I support the Government's first budget, for 2011-2012, which is basically about rebuilding New South Wales, its finances, front-line services, infrastructure, support for the vulnerable, and essentially confidence. I like the budget because it focuses on regional New South Wales. For far too long—for 16 years—we saw the Government focus on New South Wales as being Newcastle, Sydney and Wollongong. There was very little focus on regional New South Wales beyond the Blue Mountains and the sandstone curtain. The Liberal-Nationals Government, with a resurgence of members of The Nationals in electorates from the Victorian border to the Queensland border, has a focus on regional New South Wales that should never be let go.

The first budget of the Liberal-Nationals is about rebuilding New South Wales, including improved health services, roads and infrastructure for the people of Tamworth. Rebuilding New South Wales means repairing what was left behind, improving services and building the infrastructure that the people of New South Wales need. However, the Government is very conscious that if it does not get expenses under control then there will be no funds to fix the services that people rely on every day. The previous Government did not provide financially responsible infrastructure but this Government will provide it. The budget delivers 900 more teachers, 2,475 more nurses, 550 more police officers and record infrastructure investment to address the building backlog left by Labor. Spending on hospitals and health capital works over the next four years is \$4.7 billion—50 per cent higher than over the past four years.

This Government is focusing on health, particularly in the Tamworth region. For far too long Tamworth was promised a brand-new hospital but it was never delivered—promised, not delivered; promised, not delivered. The scepticism caused in our community by the Labor Government still exists, so we need to show them that we mean business and are on the job. We will get the job done and rebuild local health infrastructure. And that has been done. Straightaway \$3 million has been invested to refresh the clinical services plan, which is currently two years old. Earlier this year in Tamworth the excellent Minister for Health, Jillian Skinner, and I, together with the Federal Government's Minister for Health and Ageing, Nicola Roxon,

announced \$210 million for the redevelopment of Tamworth Base Hospital, which is simply outstanding. The community has a right to be sceptical, given the constant let-downs by the previous State Government. We will deliver on local health infrastructure and rebuild Tamworth hospital, with construction set to start in 2014.

Our focus is on health. The Tamworth Regional Cancer Care Centre will receive \$16 million this year to complement the \$41 million in funding for the centre, construction of which has already commenced. I was delighted to join Federal member Tony Windsor to turn the first sod on the Tamworth Regional Cancer Care Centre just a couple of weeks ago. It is about delivering services closer to home and a Government that is focused on delivering services for our regional communities. Along with the Tamworth Regional Cancer Care Centre there is also \$9.5 million to complete the Werris Creek Multipurpose Service and \$2.4 million to complete the Manilla Multipurpose Service.

We are investing an additional \$200 million to tackle blackspots and reduce road congestion across the State. Locally, \$3.2 million will be spent widening, rebuilding or resurfacing at Fossickers Way, Oxley Highway, Kamilaroi Highway and New England Highway—roads that the former Government had never heard of. They are the focus of the road infrastructure that this Government will rebuild in my electorate. This Government is committed to enhancing water security for Tamworth and the region by upgrading Chaffey Dam and providing \$10.5 million towards the Keepit Dam upgrade. Recently I had the great pleasure to officially announce that the \$40million upgrade for Lake Keepit was done and dusted. Another project delivered—bang, thank you, let's go—which is just great. We are getting on with the job.

The Government will also provide \$7.6 million for the Split Rock Dam upgrade—thank you, done and dusted, another project ticked. In relation to the \$6.7 million for the construction of the pipeline from Split Rock Dam to Barraba, the previous Labor Government told the community it would have to continue to drill bores for water, although that water is saline, hard, brackish, brown and undrinkable. Effectively, it told the community that it was not worthy of having clean, fresh, running water. We fought hard for this pipeline during the election campaign. I can now announce that construction of the Split Rock Dam to Barraba pipeline will start next year. That community will have clean, fresh, running water—and I can hear Barraba residents cheering from here. They were ignored for far too long.

**Mr Bryan Doyle:** Hear! Hear!

**Mr KEVIN ANDERSON:** I hear "Hear! Hear!" from the opal of the south-west, the member for Campbelltown. Our first budget delivers on our commitments going into the election. We are about getting on with the job. We are about rebuilding finances, front-line services, infrastructure, support for the vulnerable and confidence. The Minister for Ageing, and Minister for Disability Services was talking about ageing and disability, and group homes to support the most vulnerable in our community by making sure that we have a person-centred approach when it comes to disability. I am proud to say that we have had meetings with communities that have never had that consultation before. They were previously given the heavy hand of Government and the line was: We are going to tell you what you are going to do; we are going to tell you the services you are going to receive whether you like it or not, regardless of whether it is what the community wants. This Government is about consultation, it is about rebuilding New South Wales health, roads, infrastructure and more. I am proud to be part of the O'Farrell-Stoner Government.

The first budget, which delivered for the Tamworth electorate and the many towns in our region, reflects a Government that is listening to the community, understanding them and taking the community's views on board. I commend the first O'Farrell-Stoner Government budget because it has delivered on the Government's commitments right across the board: more teachers, more nurses, more police and record infrastructure spend. I know we have to make the hard decisions. I know that some unions are upset about what we are doing, but take a step back: It is just tricky politics from the Health Services Union and a number of other unions that are not committed to the industrial relations commitment they made a number of years ago. They have backed off. They should be held to account for their behaviour. This Government will make the tough decisions and get the State back on track. I am proud to be standing alongside Barry O'Farrell and Andrew Stoner. The New South Wales electoral map is a sea of green from the Victorian boarder to the Queensland border. I commend the bill to the House.

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

*[Acting-Speaker (Ms Melanie Gibbons) left the Chair at 1.32 p.m. The House resumed at 2.15 p.m.]*

**INDUSTRIAL RELATIONS AMENDMENT (NON-OPERATIVE AWARDS) BILL 2011**

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

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

**BUSINESS OF THE HOUSE****Notices of Motions**

**Private Members' Business Notices of Motions (for Bills) given.**

**QUESTION TIME**  

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*[Question time commenced at 2.23 p.m.]*

**ORICA PLANT INCIDENT**

**Ms LINDA BURNEY:** My question is directed to the Minister for the Environment. What action, if any, did the Minister take 24 hours ago to inform local residents that 900 kilograms of ammonia gas was released from Orica's Kooragang Island plant?

**Ms ROBYN PARKER:** I am pleased to be asked the question because it enables me to set the record straight. The record that the Opposition spokesperson would like to have people believe is confusing and a covering up of the last Government's 16 years of inaction when it came to the Environment Protection Authority. Let me tell the House what this Government has done since being elected to office. Last night this Government put forward legislation to strengthen the Environment Protection Authority, which was melded in the Office of Environment and Heritage under the last seven Labor Environment Ministers.

We should not forget who the Environment Minister was for two months who had two major incidents on his watch, but was so busy delivering the solar bonus scheme that he did not bother to tell anybody about any other incident. The incident at Orica yesterday was met with an emergency response. There was an immediate response by the combat agencies—Police, Fire and Rescue and the New South Wales Ambulance Service. I will explain for members opposite who are confused what a combat agency is: The combat agency in any particular case is determined by the type of incident involved. For example, if it is a terrorist incident, the combat agency would be the New South Wales Police Force.

**The SPEAKER:** Order! The Leader of the Opposition will cease interjecting.

**Ms ROBYN PARKER:** In the case of a fire or hazardous material incident, the combat agency is Fire and Rescue. The combat agencies are assisted by supporting agencies—

**The SPEAKER:** Order! There is too much audible conversation in the House. Members who continue to have conversations will be placed on calls to order. The Minister has the call. I am finding it difficult to hear the Minister, as I am sure Hansard is.

**Ms ROBYN PARKER:** The reason that members opposite are so confused is that they do not listen. The Opposition spokesperson is deliberating trying to confuse the public to cover the last Government's inaction.

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

**Ms ROBYN PARKER:** The incident at Orica yesterday was led by the combat agencies. The agencies involved were Hazmat, as it was an emergency response, and WorkCover. Those agencies took control of the incident.

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

**Ms ROBYN PARKER:** I am the Minister responsible for the Environment Protection Authority. That incident happened at Orica on the very day that the Office of Environment and Heritage, through the

Environment Protection Authority, notified them of a prosecution of the incident that occurred in August this year. So on the very day that a prosecution is announced there is yet another incident at Orica. So you have to ask: What is going on with Orica? There are certainly systemic issues—

**Mr Michael Daley:** Point of order: My point of order is under Standing Order 129. For more than three minutes the Minister has talked about terrorism, combat agencies and legislation that went through the House—

**The SPEAKER:** Order! I understand Standing Order 129 and I know what the question is.

**Mr Michael Daley:** What did the Minister do to notify residents?

**The SPEAKER:** Order! The Minister is being relevant, and that is all that Standing Order 129 requires.

**Mr Michael Daley:** Presumably there is some good news.

**The SPEAKER:** Order! The Minister has the call.

**Ms ROBYN PARKER:** The lead combat agency responding to this incident was Fire and Rescue, which took control of the incident. Once that incident was under control, the Environment Protection Authority was asked to investigate. The Environment Protection Authority has investigated. It sent up investigators, and those investigators worked again this morning. After that preliminary investigation the Environment Protection Authority has determined that it will issue a prevention notice to Orica, requiring them to shut down the ammonia storage system and to keep it shut down until they can demonstrate by independent expert advice that the system can run safely. I am told this will have the effect of shutting down the entire Kooragang Island plant due to the inter-relationship between the different systems. The Environment Protection Authority has also requested a formal report from Orica on this incident. Although two rail siding workers were affected, NSW Health has advised the Environment Protection Authority—and remember the authorities responsible—that there is no unknown health risk to local residents from this incident.

**Ms Linda Burney:** Point of order: I am sorry, Minister, but you have—

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

**Ms Linda Burney:** What did you do to inform residents?

**The SPEAKER:** Order! The member for Canterbury will resume her seat. The member failed to argue a breach of the standing orders, let alone cite a standing order. The Minister has the call.

**Ms ROBYN PARKER:** I note the persistent attempts by the Opposition spokesperson on environment to confuse the public about who has responsibility for responding to such incidents. [*Time expired.*]

### POLICE INTEGRITY COMMISSION

**Mr BRYAN DOYLE:** My question is directed to the Premier. How is the New South Wales Government ensuring the Police Integrity Commission remains a strong and independent watchdog?

**Mr BARRY O'FARRELL:** I thank the member for Campbelltown for his question, and I thank him for his service to the New South Wales Police Force and for his ongoing interest in the integrity of this State's Police Force. The New South Wales Government is ensuring the highest possible integrity amongst those 16,000 men and women who serve as New South Wales police. I am proud of the professionalism and the integrity that they display under the exemplary leadership of Commissioner Andrew Scipione. But when it comes to integrity we cannot rest on our laurels. Today I am releasing the latest statutory five-yearly review of the Police Integrity Commission. It was supposed to have been completed before the last election but, like so many things, that never happened.

By the way, I ask the member for Smithfield, whether he has seen the spring in the step of the member for Maroubra today. I am sure the busy activity of the member for Maroubra on level 6 early this morning was simply coincidental to the news poll published in *The Australian* today. The failure to complete the review of

the Police Integrity Commission before the March election is another example of his failure as the State's police Minister. No doubt the Treasurer will tell me that the member was too busy trying to extend the layers of middle management within the New South Wales public service.

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

**Mr BARRY O'FARRELL:** Since the March election a number of important matters have arisen in relation to the Police Integrity Commission and the New South Wales Crime Commission involving litigation between both organisations and the trial of the former New South Wales Crime Commission officer, Mark Standen. It was important that these matters be considered in the statutory review of the Police Integrity Commission. The key finding of the review was that it should remain a standalone independent body, and that will come as a surprise to some of those who have speculated otherwise in the media.

As a result of this recommendation, I can advise the House that, in accordance with provisions of the relevant Act, I have written to the chair of the Joint Parliamentary Committee on the Police Integrity Commission nominating the honourable Justice Bruce James of the Supreme Court as the State's next full-time Commissioner of the Police Integrity Commission and the former Supreme Court justice, the honourable David Kirby, as the next Inspector of the Police Integrity Commission. Under the Act, the joint committee has an opportunity to review those nominations and I encourage it to do so with expedition.

Justice James has been a judge of the New South Wales Supreme Court for 20 years and has presided over a number of recent trials, including those involving Mark Standen, Marcus Einfeld and Brad Cooper. He is due to step down from the bench next month. Prior to joining the Supreme Court, Bruce James was a distinguished barrister who served as a Crown Prosecutor and the New South Wales Crown Advocate. David Kirby retired from the Supreme Court earlier this year having served with distinction since 1998. Some in this House will remember his role as counsel assisting inquiries into the Gretley mine disaster and the Seaview civil aviation inquiry. It is proposed that Justice James will replace the Acting Commissioner Jerrold Cripps at the end of this year and that David Kirby QC will replace the Honourable Peter Moss, whose appointment expires at the end of this month. I thank both Acting Commissioner Cripps and Inspector Moss for their service.

I can also announce that the Government will amend the Police Integrity Commission Act to clear up any uncertainty surrounding the ability of the Inspector of the Police Integrity Commission to publish reports. Of course, the Police Integrity Commission Inspector should have exactly the same entitlement to publish reports as the Independent Commission Against Corruption Inspector does. This is another area where the former Government failed to act. The Joint Parliamentary Committee on the Office of the Ombudsman and the Police Integrity Commission recommended to Bob Carr in 2006 that it be clarified. It recommended to the current Opposition spokesman on police, Nathan Rees, when he was Premier in 2009, to do precisely the same. Neither did anything about it. Once again it was left to this Government to fix up another Labor mess.

A key plank of ensuring integrity, openness and transparency is the existence of strong, independent watchdogs. That is why our first budget delivered a couple of months ago included record funding for the Police Integrity Commission, for the Independent Commission Against Corruption and for the Ombudsman. An honest government should support and embrace strong watchdogs and this Government does. I am sure Justice James and David Kirby will do an outstanding job in ensuring the community can have the strongest possible confidence in the continuing integrity of the State's police force.

### ORICA PLANT INCIDENT

**Mr JOHN ROBERTSON:** My question is directed to the Premier. Last month the Premier said:

We want to ensure that the lessons of the Kooragang Island incident are learnt. We want to make sure that no community has to go through what Stockton went through ...

How does the Premier explain his Government's failure once again to provide accurate and timely advice to the community following the ammonia gas leak at Orica yesterday?

**Mr BARRY O'FARRELL:** I go straight to the answer of the Minister for the Environment—

**Mr Nathan Rees:** That is an error.

**Mr BARRY O'FARRELL:** Nathan Rees has described something as an error. Speaking about errors: his period as Premier of this State will go down as the biggest error in this State's history. I go to the point made

by the Minister for the Environment, which was that Fire and Rescue NSW responded with alacrity to this incident and no-one, surely not even those opposite, would seek to attack their response because the first response responsibility was theirs. Could I advise the former Minister for the Environment, who has a remarkably convenient memory, whether about his investment in a radioactive waste facility at Lidcombe or the way in which first response agencies respond to environmental outbreaks, that the last thing we would want to see—under this Government or a Labor Government—is politicians, not first response people, responding to these issues. The response was right.

I have to say that I have absolutely no confidence in Orica. I said three months ago, when we had two incidents in one week, that it seemed to me that there was a pattern of behaviour that suggested that that company was not respecting the State's environmental laws. I have to say, after what I have seen overnight, that my fear in that regard has been confirmed. If there is any comment to be made about a lack of confidence in this House today, it is the lack of confidence that I have in Orica. That is why I spoke to my departmental head about this and that is why my departmental head spoke to Mr Liebelt from Orica to make that clear. It is why the Office of Environment and Heritage has taken action to shut down that plant until there can be confidence—

**Mr Michael Daley:** Point of order: Seven minutes of answers in relation to a very simple point—

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

**Mr Michael Daley:** The point of order relates to Standing Order 129. We want to know what this Government did to inform the community.

**The SPEAKER:** I understand the point of order.

**Mr Michael Daley:** They have not mentioned the community.

**The SPEAKER:** Order! I understand the point of order. The member will resume his seat.

**Mr Michael Daley:** We are not talking about containment.

**The SPEAKER:** Order! A point of order has been taken relating to relevance. The Premier is being entirely relevant and he has the call. I caution the member that if he continues to take frivolous points of order, I will ignore future calls from him to take further points of order.

**Mr BARRY O'FARRELL:** Because of our concern about the way in which Orica has been operating its facilities on Kooragang Island, because of our concern about the communities that live adjacent to those facilities, we have not only shut down the plant until it is able to prove—

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

**Mr BARRY O'FARRELL:** I have seen a few Opposition leaders in this place over the past 16 years and I can assure the current Leader of the Opposition that getting loud in question time does not pump up his numbers. The fact is that the Office of Environment and Heritage has taken appropriate action to shut down the facility until such time as there can be satisfaction that it will operate safely for local residents and others who live and work nearby. Secondly, we have instituted the first ever mandatory audit of Orica's operation on Kooragang Island. Did those opposite do that in 16 years of office? No. Thirdly, I am pleased that last night the upper House finally passed legislation that we put forward to restrengthen the Environment Protection Authority in this State because that is the body that people need to look to with confidence about these matters. That same body, under those opposite, was allowed to be run down so that it offered no confidence and had no proactivity when it came to these issues.

This is another very sorry episode for Orica. It is sorry because Orica has completely lost my confidence and much will have to be done by it before it regains the confidence of the communities that live and work around this facility—a community, I remind the House, that I doorknocked a number of months ago. We now have legislation that improves the independence of the Environment Protection Authority and puts in place the highest penalties—an authority that is undertaking a major environmental audit and has closed this facility. Surely that is the best confidence that can be given to nearby residents over any of the political argy-bargy that those opposite are trying to engage in.

## WATER DESALINATION PLANT

**Mr JOHN FLOWERS:** My question is directed to the Treasurer. What progress has the Government made in delivering its commitment to lease Sydney's desalination plant to invest in infrastructure?

**Mr MIKE BAIRD:** I thank the member for Rockdale, who is fighting for the community of Rockdale in this place and for more infrastructure in New South Wales. It is another great day for New South Wales, but another bad day for Captain Solar. There are, however—as the Premier noted—some smiles on the faces of some members opposite. At breakfast this morning the member for Maroubra was the happiest I have seen him in such a long time. The member for Toongabbie is cracking a smile from ear to ear. He too is the happiest I have seen him in a long time.

**Mr Nathan Rees:** You should get out more.

**Mr MIKE BAIRD:** No, the member should smile more. But someone else is smiling too, and the reason for that is a mystery to most of us in this place. The person I am referring to happens to come out a lot. He is a member of the other place: Luke Foley. We are not quite sure what his role is because he is everywhere—he is the everywhere man. We think that his new shadow portfolio in the reshuffle is the shadow Leader of the Opposition, because when the Leader of the Opposition is not there he certainly is. I can inform the House—and this is concerning—that over the weekend the shadow Leader of the Opposition was seen in Blacktown looking at real estate. He is also rumoured to be looking at real estate in Mount Druitt, Cabramatta and even in Keira. I warn the member opposite to be wary. He missed out in the reshuffle, and I do not know what they are saying by that.

The important point is—and today's polls are an important point—that this State is looking for leadership. Last night in the other place the Water Industry Competition Amendment Bill was passed. That was an important step forward because it will enable the Government to proceed to market with a long-term lease of the desalination plant. It is about investing in infrastructure that Labor failed to build. For years we heard about infrastructure and about plans. For years we heard words, words and words but the O'Farrell Government is about delivering. The Government is going to deliver the infrastructure that those opposite did not even talk about nor provide the funds for—it was never going to happen.

Under the O'Farrell Government the way to start getting it going is to provide the funds. I note that the legislation passed last night was yet another measure that Labor failed to support. Labor was happy to create messes and leave them behind, yet it was not happy to constructively apply itself to fix the problems it knew existed. For example, we know that when in government the member for Maroubra, as Minister for Finance, oversaw the long-term lease or sale of the desalination plant, yet when the same proposal is put forward when Labor is in opposition what does it do? It opposes it. Labor is happy to put political interest ahead of the long-term interest of this State. That is the reason those opposite are not connecting with the people of this State.

Those opposite are opportunists; they are not interested in the long-term interest of this State. The pattern happens time and again. Are those opposite interested in supporting sustainable wages? No, they oppose them. Are those opposite happy to constructively support ways to address the solar blowout? No, they are not. In relation to the police death and disability scheme—a tough ask—a big sustainability question remains. The Government wants to get police back to work. How do you do that? You have a sustainable scheme to help get them back to work and look after them. Are those opposite supportive of a scheme that will do that? No, they are not.

This will be an interesting question for the shadow Minister for Police, the Leader of the Opposition, and the shadow Treasurer. Are they saying they would keep the existing scheme in place? Will Labor go to the election with that scheme? Labor has not answered that big question in this debate. The Government is about getting on with the job of fixing the mess left behind by those opposite. The desalination transaction is the first part of addressing the infrastructure black hole that was left behind—and the Government is determined to do it. It is great to have a leader such as the Premier who is determined to do what is right for the people of New South Wales. That is what leadership is all about.

## COAL SEAM GAS EXPLORATION

**Mr CLAYTON BARR:** I direct my question to the Minister for Primary Industries. Given that the Government has admitted that the potential impacts of coal seam gas on surface and groundwater are not yet fully understood, on what independent science has the Government based its decision to not intervene to protect New South Wales water resources?

**Ms KATRINA HODGKINSON:** I welcome the question because the Government has been working on this ever since it was elected on that fine day, 26 March 2011, as a fantastic new government. What did we see under Labor? Every licence that exists in New South Wales was granted by the Labor Government.

**Mr Brad Hazzard:** Who granted them?

**Ms KATRINA HODGKINSON:** The Labor Government granted every existing licence.

**The SPEAKER:** Order! Government members will come to order. The Minister for Primary Industries does not need other members to assist her in conveying her answer.

**Ms KATRINA HODGKINSON:** These licences were granted without any controls for the protection of the environment or for groundwater, and without any community consultation. The community has expressed a number of concerns as to the handling of that issue under Labor, and the Government has listened. We went to the election with a very comprehensive Strategic Regional Land Use Policy and we have been working flat out to get it right ever since the election. I will outline that policy shortly. The Government is determined to clean up the mess left by the former Labor Government. For the first time in the history of this industry in New South Wales the Government is taking proactive steps to regulate coal seam gas exploration and production to protect agricultural land and the environment.

The Government has a clear and strong vision for the interplay between the farm sector, regional communities and the mining industry, unlike those opposite, who paid as little attention to this as possible, hoping it would go away. Those opposite left it to become a sore point across the State. In stark contrast, the Government has approached it in a way that will build a strategic, sensible, balanced and workable broad policy framework. The Liberal-Nationals Government has done more in the past seven months to protect agricultural land than the Labor Government did in 16 years. The community has expressed a number of concerns over the handling of this issue under Labor and the Government has listened. The Government will now introduce tougher conditions on coal and coal seam gas mining.

As already announced, all new coal and coal seam gas exploration and mining licence applications are subject to new rules, which will include a ban on the use of BTEX and an extended moratorium on the use of fracking during coal seam gas drilling. The Government will also require that all new applications for mining or petroleum projects, which have the potential to affect agricultural resources or industries, will have to submit a comprehensive agricultural impact statement. That is why the Government is identifying strategic agricultural lands. Through the Strategic Regional Land Use Policy process the Government will ensure that provisions are included to maintain the significant value of these lands. The Government will not see the environment compromised by misguided planning, as per Labor practice. Let me remind those opposite of the mindset of their colleague, former Minister Ian Macdonald, on this matter. On 13 May last year, in reference to the mining activities he set in train in the Liverpool Plains region, former Minister Macdonald told the other place that:

The entire enterprise ... could be worth more than \$670 million to the people of New South Wales ... and ... These are State assets and the coal is State coal. It is not privately owned coal; it is State coal ...

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

**Ms KATRINA HODGKINSON:** That is the sort of action we saw from that environmentally conscientious Minister. The Government is working hard to ensure that we understand the issues and get the balance between mining and farming right. The identification of strategic agricultural lands has already seen extensive consultation with communities and stakeholders, and there is more to do as the agricultural impact statement is refined. The Government's Strategic Land Use Policy includes a number of immediate and longer-term measures which are designed to address issues that are occurring now as well as to provide better certainty to our communities and industries about how our regions will change over time. The Government will also develop regional plans for all of New South Wales. These plans will identify and protect productive farmland, involve communities in local decision-making, ensure a sustainable and healthy mining industry, and encourage industry best practice.

This Government has undertaken to develop a new aquifer interference regulation. It will provide clear guidance on the acceptability of mining impacts on groundwater. It will apply to all development applications containing aquifer interference activities, including mining and coal seam gas extraction applications. This is timely indeed because of the expected increase in coal seam gas mining proposals in the future, particularly in Sydney and the Gunnedah basins. The first stage of the regulation commenced on 30 June this year and it requires any new mining or coal seam gas exploration activity taking more than three megalitres of water per

year to be licensed. A draft New South Wales aquifer interference policy is currently being finalised following discussion with peak stakeholder organisations and it will be released shortly for public exhibition. [*Time expired.*]

### FAIR WORK AUSTRALIA EQUAL PAY CASE

**Mr GARETH WARD:** My question is directed to the Minister for Family and Community Services. What does the Prime Minister's announcement in today's Australian Services Union Fair Work Australia case mean for social and community service workers in New South Wales?

**Ms PRU GOWARD:** I thank the member for his question. The New South Wales Government acknowledges today's announcement by the Prime Minister on the equal remuneration case. In particular, the Federal Government will put in a joint submission with the Australian Services Union to Fair Work Australia. To back up its commitment the Federal Government has agreed to provide more than \$2 billion to fund its share of any wage increases awarded. This is a very modest start on what that share really is, especially when we are considering workers in the disability sector. The State Government has always said that it supports the principle of equal remuneration for men and women for work of equal value. We recognise that employees in the sector work tirelessly and in a dedicated fashion to deliver front-line services to some of the most vulnerable members of our community. Historically much of that work has been done by women and has been undervalued.

Sadly, the union's case was so poor that Fair Work Australia was not able to determine the extent of the gender pay gap and the Commonwealth Government on the Labor side was forced to agree with them. What did the previous Labor Government do when confronted with this case? It decided not to make any submissions about the relative merits of this case—no submission: it decided to give it a miss. And what did it say after the election? Then it got some courage. It decided that New South Wales taxpayers would commit to stumping up for the entire bill before the Commonwealth showed its hand. They called on the State Government to pay the lot. I think that shows that Labor in opposition has learnt nothing from the mistakes of government. Confusion and mismanagement continue to reign, as well as a preparedness to blow the budget rather than fight for a fair share from Canberra. Just as those opposite mismanaged in government, they never fought for a deal with Canberra and they never managed the money.

Of course, this is not a done deal; any final determination still needs to be made by Fair Work Australia. We recognise that the Federal Government has committed \$2 billion to funding a share of the wage increases awarded, but the details of the Commonwealth funding commitment are not clear. The time frame of the funding is not clear. It is said to be paid over six years. Of course, this means putting it beyond the Federal Government's forward estimates. That was a favourite trick of the former Labor State Government. It is also not clear what that funding will and will not cover. Will it cover simply community sector organisations delivering Commonwealth-funded programs, or will it assist in the contribution to State programs?

We all recognise that this agreement will have a major financial impact on the taxpayers of New South Wales. At a time of very difficult budget circumstances—bequeathed by Labor—we cannot be expected to shoulder this burden alone. Taxpayers, courtesy of the former State Government, will need to find hundreds of millions of dollars to fund their share of this case. The question is: From where? Unlike the Weimar Republic or Gough Whitlam, we do not print money. Let us not forget that this whole sorry case was the result of a memorandum of understanding between the Commonwealth Government and the Australian Services Union. If the Federal Government wants to truly show its commitment to women workers in this community it needs to give the detail. The Commonwealth has to do better than flop around with \$2 billion. It needs to give the detail on where and how much it will truly contribute to meeting its fair share.

### ASBESTOS

**Mr PAUL LYNCH:** My question is to the Attorney General. Will he implement the recommendation contained in the Law Reform Commission report he tabled yesterday to abolish the principle established in the Strikwerda case and deliver fair compensation to the relatives of asbestos victims?

**Mr GREG SMITH:** I thank the member for Liverpool for his question. We are considering that at the moment and in due course we will announce our position.

### COAL SEAM GAS EXPLORATION

**Mr JOHN BARILARO:** My question is directed to the Minister for Resources and Energy. What is the Government's response to the Opposition Leader's backflip on coal seam gas in New South Wales?

**Mr CHRIS HARTCHER:** Someone has seen a light on the road to Damascus. Someone saw one shining very brightly last night out of Camden. Let us be fair to him: I am sure it was genuine and had nothing to do with the news poll that showed his personal approval rating at 13 per cent. I am sure it had nothing to do with the Labor Party vote that he had brought down from 26 per cent to 22 per cent. I am sure it had nothing to do with the comment in the Sean Nicholls article, which said:

Considering Robbo was the energy Minister when he flogged off New South Wales power assets for an absolute steal ... it is no surprise—

**Mr Ryan Park:** Point of order. Coal seam gas is a very—

**The SPEAKER:** Order! The Minister has been speaking for only a very short time. I understand the point of order. I am sure he will return to the leave of the question. I do allow some introductory remarks.

**Mr CHRIS HARTCHER:**

Considering Robbo was the energy Minister when he flogged off the NSW power assets for an absolute steal ... it is no surprise his popularity is the equivalent of a leprosy infected dog!!

That is what the *Sydney Morning Herald* has on its website.

**Mr Michael Daley:** Point of order. A few weeks ago this Minister behaved like a clown. I call upon him to withdraw that unparliamentary and unfortunate language.

**The SPEAKER:** I understand that the Minister was quoting from a source rather than making the comment himself. I cannot ask him to withdraw it.

**Mr CHRIS HARTCHER:** If the member for Maroubra wants to contact the *Sydney Morning Herald*, he should do so.

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

**Mr CHRIS HARTCHER:** We have a bit of a question and answer. How many coal seam gas extraction licences have we granted on this side?

**Government members:** None.

**Mr CHRIS HARTCHER:** How many were granted by that Government? It was 44. We have gone from 44 to zero, Robbo is doing well with that one—well done! How many were granted when he was Minister? It was six. We have gone from six to zero. How many were renewed when he was Minister? It was 10. How many have been renewed by the O'Farrell Government?

**Government Members:** None.

**The SPEAKER:** Order! I ask the Minister not to incite Government members.

**Mr CHRIS HARTCHER:** I stand before the House with a real case to answer because this Government is granting exploration licences like Christmas presents. That is what the member opposite would have us believe when the facts are completely different. The facts are that he was Minister when six coal seam gas extraction licences were granted and 10 were renewed. He was Minister when his own spokesman in the Legislative Council, the Hon. Steve Whan, told the people about this. On 10 March, two weeks before polling day, the Hon. Steve Whan went on record to say to the people of New South Wales:

Coal seam gas is an important potential industry with great benefits for New South Wales, including for farmers, for country communities and for the environment.

That was Labor policy on 10 March 2011. What has happened since then? For a start, 26 March happened since then. A single date happened since then on which the people of New South Wales registered votes of approximately 74 per cent in favour of the Coalition and non-Labor parties.

**Mr John Robertson:** It was a big mistake.

**Mr CHRIS HARTCHER:** The Leader of the Opposition brought Labor down from 26 per cent, to 22 per cent. I will turn my attention to one particular licence that covers the Sydney metropolitan area, which is Macquarie Generation, through Delta Energy, over the Sydney area.

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

**Mr CHRIS HARTCHER:** That licence was granted by a former Premier, Kristina Keneally, and was renewed by the Leader of the Opposition, John Robertson, when he was a Minister of the Labor Government. That very licence over Sydney was granted by the former Government. The word "hypocrisy" has many derivations, but one of them from the Greek "hypokrisis" means play-acting. That is what the Leader of the Opposition was doing at Camden—and that is what he will continue to do in relation to this issue as well as every other issue.

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

### REGIONAL ARTS

**Mr RICHARD TORBAY:** I address my question to the Minister for the Arts. When will he announce next year's funding for the arts?

**Mr GEORGE SOURIS:** I thank the member for Northern Tablelands for his question. Any opportunity to talk about this Government's commitment to the arts is welcome.

**Mr John Robertson:** And brief.

**Mr GEORGE SOURIS:** It will not be brief. The Government offers a wide program of cultural support that encompasses a large range of arts funding programs to assist arts companies and artists to create and deliver great artistic product for the people of New South Wales. A broad range of cultural grant programs is offered and they include cultural funding programs, creation and presentation of artistic work, ConnectEd education arts, strategic industry development for the arts, capital infrastructure for facilities, screen audience development, quick response grants, fellowships scholarships and awards, regional conservatoriums of music and performing arts touring throughout New South Wales.

The successful applicants under these programs are announced at various times during the year. Applications close towards the middle of the year and are then assessed. Many of them are due to be announced very soon, as they have been in previous years including last year. I have already announced grant programs for cultural activity in 2012: the Regional Conservatoriums of Music Fund, totalling \$718,000 and the Performing Arts Touring Grants, totalling \$792,000. Regional New South Wales is well and truly at the forefront with this Government. Both programs almost exclusively fund artistic activity in regional New South Wales.

Funding was very recently announced and the funds were granted from the Regional Conservatoriums of Music Fund to the following locations: Tamworth, Dubbo, Bangalow, Coffs Harbour, Grafton, Deniliquin, Hay, Hillston, Barham, Mathoura, Tocumwal, Darlington Point, Balranald, Conargo, Young, Orange, Griffith, Bathurst and—as the member for Northern Tablelands will be pleased to hear—Armidale. Funds have been granted from the Performing Arts Touring Program for performances in a number of towns. The performers are still in the process of completing their touring itinerary. I invite any members who represent the towns that I will mention to contact my staff, who will provide preliminary information on the name of the performances and a range of dates on which the company will be touring in particular locations.

The towns are: Wollongong, Dubbo, Albury, Wagga Wagga, Newcastle, Port Macquarie, Taree, Tamworth, Cessnock, Queanbeyan, Gosford, Newcastle, Narrabri—nobody misses out—Nowra, Milton, Mittagong, Wollondilly, Orange, Bathurst, Gunnedah, Lismore, Goulbourn, Forbes, the Shoalhaven, Byron Bay, Bellingen, Manning, Forster, Griffith and, of course, Armidale. I thank the member for Northern Tablelands for providing me with an opportunity to illustrate the length and breadth of the New South Wales arts program, and the great benefits it will bring to the people of New South Wales. It will provide regional New South Wales with considerable tourism product, a way in which to develop communities and attract visitors, and it will provide a basis that will enable performing arts in regional areas to thrive and prosper.

## CHILD SAFETY

**Mr ANDREW CORNWELL:** My question is directed to the Minister for Planning and Infrastructure. What action is the Government taking to educate families and the community about the risk of children falling from balconies and windows?

**Mr BRAD HAZZARD:** I thank the member for Charlestown for this very important question. As most members would know, the member for Charlestown in his professional life is a veterinary surgeon, in his public life he is a very good member for Charlestown—we refer to him as Mr 24.4 per cent swing, and well done—but in his private life he is, as many of us are, a father.

**The SPEAKER:** Order! This is the final question, and it concerns a serious subject. The House will come to order.

**Mr BRAD HAZZARD:** The member for Charlestown is married to Sam and they have two wonderful children—Harry, who is aged four, and Lachlan, who is aged two. The member for Charlestown acknowledges by his question that he is aware of the danger that balconies and windows, especially open windows, present to children. Other members who have had children will also be aware of this danger. At the outset I thank the Westmead Children's Hospital, particularly.

**Dr Geoff Lee:** Hear! Hear!

**Mr BRAD HAZZARD:** Indeed. That hospital does amazing work in looking after our most vulnerable people. I also thank NSW Health, Kidsafe, the Commission for Fair Trading, the Owners Corporation Network and the Department of Planning and Infrastructure for the amazing work they have done in the past few months to try to address this very grave problem. Most importantly, I thank a courageous family who visited Parliament today to tell their story—Mandy Wiegold, her mother and grandmother of the child, Judith Glading, and the child, a little six year old named Ruby. It probably amaze all of us to hear that the numbers are so great but each year in New South Wales approximately 8,000 children are taken to hospital as the result of a fall. On my rough calculation, that equates to approximately 22 children a day. Sadly, of those admitted to hospital, approximately 50 have fallen from a window or balcony. They are horrifying statistics. For too many children the fall will be fatal.

Some years ago the Westmead Children's Hospital identified falls as an increasing cause of injury and as constituting serious risk. As we would expect, children aged between approximately one and five years are most at risk. Those of us who have been parents, grandparents or carers know how curious children are when they are young and vulnerable, and that they have very limited ability to recognise danger. Approximately three years ago the New South Wales Department of Health and the Westmead Children's Hospital identified that falls by children from residential buildings were an increasing cause of injury and that those falls were often associated with serious and, sadly, fatal outcomes. That happened three years ago. Regrettably, the Labor Government did very little to address that issue.

**Mr Nathan Rees:** You are better than that.

**Mr BRAD HAZZARD:** The member for Toongabbie was involved in one aspect, which I will shortly identify. In 2009 the Westmead Children's Hospital established a working party comprising government and non-government representatives to investigate the incidents and develop a response. In February this year the working party released "The Children's Hospital at Westmead Working Party for the Prevention of Children Falling from Residential Buildings Outcomes Report". Given the absolute severity of this issue, and with high-rise residential flats and higher-density development becoming more common due to population pressures across the State, as the Minister for Planning and Infrastructure I have instigated a process that involves working with my colleagues the Minister for Health and the Minister for Fair Trading, as well as their respective departments, to take action on that report's key recommendations. This Government will not delay taking action to prevent this problem of increasing prevalence from occurring.

Today the Minister for Health, Jillian Skinner, the Minister for Fair Trading, Anthony Roberts, and I joined with Westmead Hospital, Kidsafe, the Commission for Fair Trading, the Owners Corporation Network, our respective departments and, most important of all, that very courageous family to whom I referred earlier.

For the first time in this State a government has embarked on a campaign that will include a variety of actions. Today we started with posters and brochures that will be given to landlords, tenants and homeowners across the State in an attempt to maximise exposure of the issue.

More than 40,000 brochures will be issued. I encourage the community to think child safe. All due care should be exercised around any child in a home with a balcony or with a window that can be opened. For a few dollars the necessary equipment can be bought from the local hardware shop to affix the windows, and this is just a start. With the agreement of the Opposition I table the appendix with the various parties that have taken part in organising this campaign.

**Document tabled.**

I encourage all members, on both sides of the House, to include in their upcoming newsletters warnings about the dangers for children as the risk is a lot worse in the warmer months ahead. This Government will certainly work across the State to try to get the message out that we have to think child safe.

**Question time concluded at 3.10 p.m.**

**PUBLIC ACCOUNTS COMMITTEE**

**Report**

**Mr Jonathan O'Dea**, as Chair, tabled Public Accounts Committee report 2/55 entitled "Report on Recommendations of Public Accounts Committee of the 54th Parliament", dated November 2011.

**Ordered to be printed on motion by Mr Jonathan O'Dea.**

**PETITIONS**

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

**Traffic Enforcement Camera Revenue**

Petition requesting that revenue raised from traffic enforcement cameras be spent on road safety initiatives, received from **Mr Mark Coure**.

**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:**

**Oxford Street Traffic Arrangements**

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

**Pet Shops**

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

**Animals Performing in Circuses**

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

**Container Deposit Levy**

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

**The Clerk announced that the following petition signed by more than 500 persons was 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**.

**BUSINESS OF THE HOUSE**

**Routine of Business: Suspension of Standing and Sessional Orders**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.12 p.m.]: I move:

That standing and sessional orders be suspended on Friday 11 November 2011 to permit the business before the House to be interrupted at 10.30 a.m. for the Speaker to leave the chair, and for the Speaker to resume the chair on the ringing of one long bell.

I remind members that earlier this week I indicated that the House would, for the first time, adjourn and allow a reasonable period of time for members to reflect on Remembrance Day tomorrow. The House will adjourn at 10.30 a.m. until a long bell at 12.00 p.m. As usual, between 10.00 a.m. and 10.30 a.m. there will be no divisions.

**Motion agreed to.**

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

**Leader of the Opposition**

**Mr ANDREW FRASER** (Coffs Harbour—The Assistant-Speaker) [3.13 p.m.]: My motion deserves priority because this House should call on the Leader of the Opposition to stop changing his position on issues such as the granting of coal seam gas exploration licences, the sale of electricity assets, the blow-out of the Solar Bonus Scheme and condemns his failure to honour his promise to become one of the hardest working and most constructive Opposition leaders in the State's history. Politics 101 says that to have a responsible government we must have a responsible Opposition and a Leader of the Opposition who will lead his rag-tag bunch into policy areas supporting positions he took to the election and put forward to the State when the Labor Party was in government. My motion deserves priority because, as was mentioned in the House earlier today, one has to wonder whether the Leader of the Opposition has made this great about-face in relation to coal seam gas because of the poll published in the *Australian* today. The poll showed he had 13 per cent support and the Labor Party had 22 per cent.

**Ms Carmel Tebbutt:** He said it yesterday.

**Mr ANDREW FRASER:** He may have said it yesterday but I feel sure the media would have contacted him and asked him for comment in relation to the poll that was going to be published today. The amazing part of this poll is that the latest figures show that New South Wales—

**Mr Richard Amery:** Point of order: The member for Coffs Harbour is supposed to argue why his matter should have priority. He refers to the poll—

**The SPEAKER:** Order! I uphold the point of order. The member for Coffs Harbour will return to establishing why his motion deserves priority.

**Mr ANDREW FRASER:** My motion deserves priority because the people of New South Wales need to know where the Leader of the Opposition stands. We heard what happened in Cabinet when he approved mining licences. He sat back and kept his mouth shut when the Solar Bonus Scheme was put up. He failed to deliver to Cabinet Treasury advice, failed to give it to Mr Rees.

**Mr John Robertson:** That is not true either.

**Mr ANDREW FRASER:** We had the Treasury advice. You failed to deliver that Treasury advice to your Cabinet.

**The SPEAKER:** Order! The member for Coffs Harbour will direct his comments through the Chair.

**Mr ANDREW FRASER:** It is hard not to respond to Homer Simpson.

**The SPEAKER:** Order! I caution the member about the use of such terminology.

**Mr ANDREW FRASER:** I wonder when he will start promoting nuclear, as his mate Homer does in the cartoon series. He promotes everything else. My motion deserve priority—

**Ms Kristina Keneally:** Where have you been?

**Mr ANDREW FRASER:** I have been watching a failed Leader of the Opposition and a party with a huge majority drop back to 22. I will refer to the poll during the debate. My motion deserves priority because the people of New South Wales need to understand exactly where the Opposition stands on issues that it has in the past put forward as policies and been signed off by the former Minister, the Leader of the Opposition, yet now he backtracks. As the Minister for Resources and Energy asked today, was it a conversion on the road to Damascus? Is he trying to gain popularity because other members within his caucus are looking to take his position? Today I spoke to the dining room staff. They have to count knives every time the Labor Party has dinner. I believe Parliament has now put in a metal detector in the Labor caucus room because Robbo and his 20 per cent support the Labor Party cannot stand. In fact, the member for Heffron had a better result than he did.

**The SPEAKER:** Order! I remind members that interjections are disorderly at all time.

**Mr ANDREW FRASER:** My motion deserves priority so that we can illustrate for the people of New South Wales the reason the Labor Party has acted with such hypocrisy on all issues from gas exploration licences to sale of electricity assets and the Solar Bonus Scheme. I ask the House to give my motion priority.

### Coal Seam Gas Exploration

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [3.18 p.m.]: My motion deserves priority because Labor is prepared to say loud and clear that it is time to hit the pause button on coal seam gas exploration in New South Wales. Labor's policy, expressed very simply for the benefit of the member for Coffs Harbour, is: water first, coal seam gas second; local communities first, coal seam gas second. The plain truth is that governments of all persuasions have rushed too far ahead of the community on coal seam gas extraction as every day passes and exploration and extraction are allowed to continue unabated. Nobody has a clear picture—

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

**The SPEAKER:** Order! The member for Keira will come to order. I cannot hear the point of order. Opposition members will cease interjecting.

**Mr Chris Hartcher:** It is not appropriate for the Leader of the Opposition to debate the motion he intends to move or to deliberately mislead the House about what is happening in New South Wales.

**The SPEAKER:** Order! I have heard the points of order. I cannot judge who is and who is not misleading the House; a Speaker does not do that. It is standard practice for some debate to occur. However, I remind the Leader of the Opposition that he should be arguing priority for this motion over other business of the House.

**Mr JOHN ROBERTSON:** I am clearly doing that when I start by saying that as every new day passes exploration and extraction continue unabated. That means it is happening now and that is why this motion deserves urgent debate. We do not have a clear picture of the impact of coal seam gas extraction on the water table and our land. Least of all does the O'Farrell Government have a clear view of the effects. The Government's own submission to the upper House coal seam gas inquiry stated:

The potential impacts on surface and groundwater are not yet fully understood.

Enough is enough. Before the Government decides where coal seam gas can be extracted it must prove that the process is safe.

**Mr Chris Hartcher:** Point of order: The Leader of the Opposition is again arguing the merits of his case, or lack thereof. The House has before it two contrasting motions, one raised by the member for Coffs Harbour—

**The SPEAKER:** Order! The guidelines state that a member should argue priority over other business of the House, not between one motion and another. I am not convinced that the Leader of the Opposition has not been doing that.

**Mr JOHN ROBERTSON:** This motion deserves priority because this issue goes right to the kitchen table: It is about the food we eat and the water we drink. People we speak to every day are concerned about the potential of coal seam gas extraction to contaminate aquifers and surface water. The farmers are concerned about the potential of coal seam gas extraction to damage their ability—

**Mr Brad Hazzard:** Point of order: The Leader of the Opposition must establish priority. He is the member who signed off on a number of licences. This Government is not signing off—

**The SPEAKER:** Order! I have heard the point of order.

**Mr Brad Hazzard:** We have granted no new—

**The SPEAKER:** Order! The Minister will come to order. I have heard the point of order and I again remind the Leader of the Opposition that he should be arguing why his motion should be accorded priority rather than the substance of the motion.

**Mr JOHN ROBERTSON:** Exploration is taking place now and licence applications have been lodged. That is why this motion should be accorded priority. This motion deserves priority because it calls for the suspension of exploration licences now. Exploration is taking place now and there is widespread concern about it. Everywhere we go around New South Wales people raise their concerns about the effects of coal seam gas and say that they want certainty. Debating this motion now will provide some certainty. It will demonstrate whether this Government is prepared to debate this issue and where it stands on coal seam gas exploration. This issue is causing concern no matter where we go in the bush or in the city. It is a concern in the electorates of Newcastle, Wollongong, Lismore and Upper Hunter. This motion should be accorded priority. [*Time expired.*]

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

**The House divided.**

**Ayes, 64**

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

**Noes, 21**

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

**Pairs**

Mr Bromhead	Ms Burton
Mr O'Farrell	Ms Watson
Mr Webber	Mr Zangari

**Question resolved in the affirmative.**

**LEADER OF THE OPPOSITION****Motion Accorded Priority**

**Mr ANDREW FRASER** (Coffs Harbour—The Assistant-Speaker) [3.32 p.m.]: I move:

That this House:

- (1) Calls on the Leader of the Opposition to stop changing his position on issues such as:
  - (a) the granting of coal licences;
  - (b) the sale of electricity assets; and
  - (c) the blowout in the solar bonus scheme.
- (2) Condemns the Leader of the Opposition's failure to honour his promise to become the hardest-working and most constructive Opposition Leader in the State's history.

From Darwin to Voltaire history is littered with deathbed conversions. Deathbed conversions are supposed to happen before death occurs. New South Wales Labor cannot even get that right. It has had plenty of conversions; however, those have all happened after the timely and widely applauded demise of Labor on 26 March. For example, the Leader of the Opposition said, "I was, I am, I will always be opposed to electricity privatisation." Upon hearing these remarks, I had to check the parliamentary archives to confirm that the current Leader of the Opposition is in fact the same John Robertson who was a member of the New South Wales Labor Cabinet that signed up to a dud privatisation of the State's electricity generators. While the results of those checks were inconclusive, there seems to be a certain consistency in John Robertson's inconsistency, and that leads me to suspect they are in fact the same person. In 2009, when I asked about private sector involvement in Cessnock and Parklea, two jails that were growing in capacity, he said:

What we are doing is getting value for money here, and there are no parallels between what we are doing here and electricity.

Of course, ultimately there was no gain from that proposed reform because most of it was ignored or put on the shelf. This morning, he has suddenly taken a dislike to coal seam gas mining. His latest backflip is breathtaking in its hypocrisy. As my colleague the Minister for Resources and Energy noted this morning, every licence that exists in New South Wales was granted by a Labor Government in which John Robertson was a Minister. These licences were granted without any controls for the protection of the environment, without any controls for the protection of groundwater, and without any community consultation. In fact, I draw the attention of members of this House to a quote in the *Australian* today by Julia Gillard. I just wonder whether the conversion that the Leader of the Opposition has experienced was in fact discussed with the Prime Minister, because Julia Gillard says this:

The scheme that has gone through Parliament will be—

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! There is too much audible conversation in the Chamber. I cannot hear the member for Coffs Harbour.

**Mr ANDREW FRASER:** The Prime Minister said:

There will be a diverse range of energy sources. We believe coal seam gas will be part of the energy mix of the future.

So on one hand the Prime Minister is saying that coal seam gas will form part of her new energy push. And on the other hand the Leader of the Opposition is saying, "No, we have to stop or suspend all coal seam gas exploration today." The Coalition has already banned evaporation ponds, banned BTX chemicals in fracking, introduced a regulation that requires water access licences for extraction of more than three megalitres per year from groundwater sources, introduced a requirement for the submission on agricultural impact statements for all new applications for mining or petroleum products which have the potential to affect agricultural resources or industries, and extended the moratorium on fracking.

We are also developing a stringent aquifer interference regulation, developing new public consultation guidelines to increase transparency and accountability, to be finalised in consultation with the Government's Stakeholder Reference Group, reviewing fracking standards, and reviewing access arrangements. The most we have seen of John Robertson of late is in the Clarence electorate. Even there, they are echoing the thoughts of a news poll in today's press: they are either saying "what's-his-name" or, "Is he the other one?" We are not sure who is who. But we know that one of the reporters today called him "chrome dome".

**Mr John Robertson:** Oh, that hurt. And that from a bloke with hair like yours.

**Mr ANDREW FRASER:** Don't worry, mate, I haven't got a lot of hair either. We know who you are, and the other bloke pictured actually has some hair. He might have the same recognition rating and he might have the same popularity rating as the Leader of the Opposition in New South Wales and the Labor Party in Victoria, but the reality is that we can tell the difference.

**Ms Noreen Hay:** Point of order: I state the obvious; the use of props in the Chamber is not tolerated.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I did not see the member use a prop. I thought he was quoting from a newspaper, but I must admit I was not looking at the member at the time.

**Mr ANDREW FRASER:** I was quoting from a newspaper.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member may quote from a newspaper article. Is the member for Wollongong disputing that the member was referring to a newspaper?

**Ms Noreen Hay:** No. I thought you were asking me.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! When I was watching the member for Coffs Harbour he appeared to be quoting from a newspaper article. I trust that is what the member is still doing.

**Mr ANDREW FRASER:** I was reading from the newspaper article, which is headed "Meet the forgotten Labor opposition leaders: what's-his-name and the other one." I just wanted to know whether the Leader of the Opposition is "what's-his-name" or "the other one". I want to reiterate in this debate something that I raised when establishing priority, because it shows his hypocrisy. When the Leader of the Opposition was Minister for Energy he took to Cabinet a recommendation for the Solar Bonus Scheme, the cost of which has blown out to \$1.7 billion. The fact is that the Leader of the Opposition gave Cabinet no costings from Treasury and sought no Treasury advice. Now he is against that as well. [*Time expired.*]

**Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [3.39 p.m.]:** I move:

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

"this House calls on the Premier to:

- (1) immediately suspend coal seam gas exploration licences until a scientific consensus exists in relation to the protection of water and agriculture areas in New South Wales;
- (2) keep his election promise to keep electricity poles and wires in public ownership; and
- (3) stop breaking his election promises.

**Mr Ray Williams:** Point of order: I question whether the amendment in its current form is relevant to the motion.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! There is a certain amount of flexibility in amendments. I will seek advice because I do not have a copy of it.

**Mr Michael Daley:** To the point of order: All we have done is mirror the original motion by swapping the names in effect.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I accept the amendment.

**Mr JOHN ROBERTSON:** This Government talked about backflips and broken promises but let us go through its record after less than seven months. We have as a classic example—

**Mr Andrew Fraser:** Point of order: I listened intently to the point of order taken not so long ago by the member for Wollongong who waxed lyrical about members using props in this Chamber. The Leader of the Opposition has a prop in his hand.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I am sure the Leader of the Opposition is reading from it rather than using it as a prop.

**Mr JOHN ROBERTSON:** I will certainly be reading from it. I am happy to seek leave to table this document entitled "Barry O'Farrell's 100 Broken Promises".

**Leave not granted.**

**Mr JOHN ROBERTSON:** Let us talk about backflips and broken promises. There are more than 100 of them, but we will start with public sector wages because it seems a good place to start. Before the election the member for Ku-ring-gai—the current Premier—said, "I am a safe pair of hands. I have got no intentions of doing anything to public sector workers." But what has been implemented under this Government? It has capped public sector wages at 2.5 per cent, gutted the Industrial Relations Commission and rendered useless its capacity to arbitrate wages disputes. It has also cut 5,000 jobs. Before the election the Premier said, "I have no intention of cutting jobs—in fact I want more public sector workers, not less." But when the budget was handed down we saw that 5,000 public sector jobs were cut.

**Mr Andrew Fraser:** Point of order: My point of order relates to relevance under Standing Order 76. What the Leader of the Opposition is talking about now has nothing to do with his amended motion or the motion that I moved. My motion is not about job losses; it is about coal seam gas extraction.

**Mr JOHN ROBERTSON:** I will read the whole thing.

**Mr Tim Owen:** It is not frigging relevant.

**Mr Andrew Fraser:** It is not relevant.

**Mr JOHN ROBERTSON:** To the point of order: The third point of the member's motion clearly refers to broken promises.

**Ms Linda Burney:** What did you say? Did you swear? I heard you.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Orange did not swear. In relation to the points made, members should confine their comments to coal seam gas or the Solar Bonus Scheme.

**Mr JOHN ROBERTSON:** Let us talk about the Solar Bonus Scheme and the retrospective legislation that those opposite sought to introduce. Those opposite took pride in the fact that they did not support retrospective legislation. They sought to renege on contractual arrangements with the people of New South Wales. The Deputy Premier could not get out the door quickly enough to sign up to get his 60¢ for his solar panels. I am told that the Deputy Premier has so many solar panels that NASA can identify from space where he lives out the back of Wauchope.

This Government sought to reduce tariffs for people who in good faith entered into contracts through the Solar Bonus Scheme. This Government sought to politicise and destroy the solar industry and every day it seeks to wind back renewable energy in New South Wales. The Premier makes an appearance on 2GB radio and says, "If I had my way no more wind turbines would be put in place in New South Wales." This Government, while in opposition, accused the former Labor Government of pinching its policy on the Solar Bonus Scheme. The Deputy Premier wrote to the solar bonus review team and said, "We should expand the scheme to include micro wind farms. It should go for longer."

The Treasurer said that the scheme did not go far enough. The member for Pittwater accused us of rewriting history when it came to the Solar Bonus Scheme because we had stolen the Coalition's policies. This Government talks about backflips when it is responsible for backflips. The mob opposite went to the election saying, "We will not sell the poles and wires and we will not sell the generators", and then called for an inquiry. When the inquiry did not deliver the result that Coalition members wanted the Premier took eight weeks to work out how he was going to weasel his way out of that promise.

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [3.46 p.m.]: I support the motion moved by my learned colleague the member for Coffs Harbour. What we have seen reflected in the polls today has been quite astonishing. A couple of people would have woken up very happy. The first person would have been the Premier of New South Wales, the Hon. Barry O'Farrell, and the second person would have been the member for Toongabbie because his chances of becoming Leader of the Opposition stocks have just increased. The Premier's happiness would be due largely to the satisfaction of his electorate. That is why there is a stark difference between the leadership of the member for Blacktown and the Premier of New South Wales, the Hon. Barry O'Farrell. The Premier's satisfaction would have come from the fact that the people of New South Wales were justified in supporting this Government. They are happy with this Government because of the policies that it has implemented. It has implemented necessary infrastructure, such as the North West Rail Link, and taken steps to rectify our economic problems after this State was left with a \$5.6 billion deficit.

I attest to the leadership qualities of our Premier and the beliefs and philosophies he has followed for many years, which have now all been implemented. If we contrast the leadership qualities of the Premier with the leadership qualities of the Leader of the Opposition it is evident that the Leader of the Opposition does not have any values or beliefs. Going back in history we find that the Leader of the Opposition, as leader of Unions NSW, opposed former Premier Morris Iemma's proposal to sell off our electricity assets. That ultimately brought down Premier Iemma who resigned and it also brought down former Treasurer Michael Costa, a member of the upper House, who also resigned. That paved the way for the current Leader of the Opposition to join the upper House.

When the Hon. John Robertson was appointed Minister for Corrective Services his first action was to privatise Parklea jail. What a huge contradiction by the Leader of the Opposition who has no values or beliefs. He was supported by the union movement, elected as a member of the New South Wales Parliament and immediately gutted those unionists who opposed privatisation. I support privatisation but those unionists did not believe that the Hon. John Robertson did. He moved from there to the Energy ministry where he implemented the failed Solar Bonus Scheme—which will cost the people of New South Wales over \$1 billion. Yet today he had the audacity to claim that those on this side had done something.

The only thing this Government has done is to seek to rectify the deficit it incurred because of that failed scheme. It is hard to draw a line through the values, beliefs, philosophies and principles of the Leader of the Opposition. I know that many others share that belief. Obviously the people of New South Wales agree with it because the Leader of the Opposition currently has a 13 per cent approval rating. I am reminded of one person in particular who shares my belief. I will read onto the record part of a letter that was written by that person to the Leader of the Opposition:

Let me tell you, if the Labor Party's stocks ever get so low as to require your services in its Parliamentary leadership, it will itself, have no future. Not a skerrick of principle or restraint have you shown. You have behaved with reckless indifference to the longevity of the current Government and to the reasonable prospects of its re-election.

That letter was written by former Prime Minister Paul Keating. As far as I am aware, the Hon. Paul Keating is a card-carrying member of the Labor Party. Not only have the people of New South Wales been let down but also the heart and soul of the Labor Party has been let down. When one steps away from one's core values and beliefs—not that I believe the Leader of the Opposition has any—one has no leadership role. That is why people will not follow the Leader of the Opposition. That is why he enjoys a 13 per cent approval rating to this day. [*Time expired.*]

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The order of the Government's amendments is acceptable.

**Mr MICHAEL DALEY** (Maroubra) [3.51 p.m.]: This motion is a telling moment in the short and unfortunate life of the O'Farrell Government, not only because the substance of it is entirely devoted to the Leader of the Opposition but because of the way in which those opposite have conducted themselves from the end of question time until now. If this was a government that was putting in place a long-held 16-year vision, a government of hard work and achievement, then the motion today would be a good news motion extolling the virtues of what was achieved on 26 March this year. But it is not such a motion because those opposite have no good news to tell. The motion condemns the Leader of the Opposition.

Not satisfied with picking a fight with the Leader of the Opposition in parliamentary terms, those opposite have refused to allow the Leader of the Opposition to have his say. They took point of order after point of order to prevent him from defending himself in the limited time that he had. They have done this because each time the Leader of the Opposition opens his mouth he lands a blow upon their glass jaws. People in glasshouses who have glass jaws should not throw stones. The Minister for the Environment, and Minister for Heritage has been torn limb from limb by her own inactions and those of her shadow ministerial counterpart.

**Mr Ray Williams:** Point of order: My point of order relates to relevance under Standing Order 129. We are not discussing the Minister for the Environment, and Minister for Heritage.

**Mr MICHAEL DALEY:** The member for Hawkesbury, who is a boofhead, should read the standing orders to see what Standing Order 129 states.

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

**Mr MICHAEL DALEY:** The O'Farrell Government promised to take good care of the economy of this State. It has broken that promise. The O'Farrell Government inherited a budget surplus. There was no black hole, but there is now. There was a \$713 million surplus, but it is now a \$2 billion deficit. The former Government had 15 out of 16 budget surpluses, a triple-A credit rating, and it got through the global financial crisis with \$1.3 billion in the kitty. That is now gone, and the first promise has been broken. It did not promise that it would sack 5,000 public servants, probably more than 6,000; it did not promise that it would cut wages and conditions; it did not promise that it would slug first home buyers, pensioners and foster carers, but that is exactly what it has done in a very short space of time.

The biggest hypocrisy of all in the broken promises of this Government relates to electricity privatisation. One of the many reviews started by this Government in its time in office—30 of them at a cost of \$10 million—is the Tamberlin inquiry, which was one of the biggest own goals of embarrassment ever to cook up an omelette that now rests fairly and squarely on the Premier's face. The Premier was reported in the *Lithgow Mercury* as stating:

We have absolutely no plans to privatise either the generators or the poles and wires.

That is unequivocal. Five times he has been asked in question time to reiterate and honour his commitment to that promise and five times—and many times in the media as well—he has squirmed out of it and palmed it off in embarrassment. The Tamberlin inquiry said it was a matter for the Government as to whether the polls and wires were privatised, yet the Premier has to go away and consider that sort of recommendation. We all know what he will do. He will go back on what he said in the *Sydney Morning Herald* on 1 February:

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

We will see in a couple of months whether or not the Premier is a man of his word. I say to those on the other side that if they want to pick a fight with the Leader of the Opposition and his team they should not assume that because we on this side of the House are diminished in number we will back down. Those on this side of the House will not back down one ounce.

**Mr ANDREW FRASER** (Coffs Harbour—The Assistant-Speaker) [3.56 p.m.]: Those opposite are continually amending motions. Perhaps the standing orders should be examined to ensure that any amendments

that are moved are relevant to the motion. During his contribution the Leader of the Opposition held up a prop—the fake document of 100 broken promises, or whatever it was—which reminded me of a hurricane lantern. He looked very dim and in need of propping up. [*Quorum called for.*]

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

Once again the false defence of the Leader of the Opposition by the member for Maroubra. We all know where he sits. We all know he is out there after the Leader's job. The questions the member for Maroubra hands up to the Leader of the Opposition really amaze me at times. I point out the Treasury advice that was given to the member for Blacktown when he introduced the Solar Bonus Scheme in January last year prior to the election. The Treasury advice was that the financial impact was incorrect and incomplete. Treasury also advised the budget committee that further analysis of the options to fund the Solar Bonus Scheme were required and recommended that Treasury be asked to develop a preferred approach for meeting the full costs of the Solar Bonus Scheme by the end of January. No further analysis was sought from Treasury.

It was John Robertson who took forward the solar bonus scheme to Cabinet and we have now seen in the Auditor-General's report, which was released this week, a \$1.4 billion black hole in the scheme. It will cost each and every household in New South Wales \$50 a year to fund the black hole left by the former Minister for Energy, now the Leader of the Opposition. The Leader of the Opposition wants to amend motions to suspend coal seam gas exploration, licences that he and his Government issued, licences that he sat around the Cabinet table discussing. Some 44 licences were issued by the former Labor Government at the time the former Minister for Energy got the money in the coffers. Now those opposite want to suspend them. They claim that those exploration licences could be detrimental to the farming community. As I said before, the Coalition in government has put in place a set of regulations that will ensure that farming cannot be impacted by any mining.

All those coal seam gas exploration licences, all the coal exploration licences in the Hunter and the upper Hunter, were put in place by the Labor Party when in Government. The former Government grabbed \$300-400 million from the coal exploration licences. It is the Labor party that decided that the Liverpool Plains was expendable with longwall mining. It is the Labor Party that was quite happy to see the most valuable agricultural land in Australia turned into a lake if the aquifer was broken or if there was any drop in soil levels. Now those opposite are saying it has to be stopped. We have never supported longwall mining in the Liverpool Plains or anywhere else. We have put in place regulations that will ensure that farmers are protected from licences issued by John Robertson and his cohorts.

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

#### **The House divided.**

#### **Ayes, 62**

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

**Noes, 18**

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

**Pairs**

Mr Bromhead	Ms Burton
Mr Constance	Ms Watson
Mr Webber	Mr Zangari

**Question resolved in the affirmative.**

**Amendment negatived.**

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

**Division called for and Standing Order 185 applied.**

**The House divided.**

**Ayes, 62**

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

**Noes, 18**

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

**Pairs**

Mr Bromhead	Ms Burton
Mr Constance	Ms Watson
Mr Webber	Mr Zangari

**Question resolved in the affirmative.**

**Motion agreed to.**

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! It being after 4.00 p.m. and there being no General Business, the House will proceed with Government Business.

**CRIMES (SENTENCING PROCEDURE) AMENDMENT (CHILDREN IN VEHICLES) BILL 2011****Agreement in Principle**

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [4.19 p.m.]: I move:

That this bill be now agreed to in principle.

As this bill was introduced in the Legislative Council on 20 October 2011 and is in the same form, and as the second reading speech appears at pages 6836 and 6837 in the *Hansard* of that date, I commend the bill to the House.

**Mr PAUL LYNCH** (Liverpool) [4.19 p.m.]: I lead for the Opposition in debate on the Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011 and indicate at the outset that although the Opposition will not oppose the bill, we are yet to be convinced that if the bill is passed, it will make any substantial difference to the law. I say that because of existing legislative provisions. The object of the bill is to amend the Crimes (Sentencing Procedure) Act 1999 by adding an aggravating factor to be taken into account in sentencing an offender for particular traffic offences. The aggravating factor is if the offence is committed while a child under 16 years of age is a passenger in the offender's vehicle, or if the offence is connected with the driving of a vehicle with such a passenger.

This occurs by amending section 21A of the Crimes (Sentencing Procedure) Act 1999. It adds new paragraph (p) to subsection (2) of that section. That new paragraph specifies the added aggravating factor "was committed while a child under 16 years of age was a passenger in the offender's vehicle". The offence is, however, conditional upon it being a prescribed traffic offence as defined. New section 21A (5C) is also added to qualify the application of the amendment so that it applies where a child under 16 was a passenger in the offender's vehicle if the offence was part of a series of events that involved the driving of the vehicle while the child was a passenger in the vehicle. Section 21A (6) is amended by inserting a definition of the term "prescribed traffic offence" which are the offences to which this amendment applies.

Under the Road Transport (Safety and Traffic Management) Act those offences include: section 13(2) refuse to undergo a random breath test, section 15(4) refuse to undergo breath analysis, section 18B (2) refuse to undergo oral fluid test, section 18D (2) refuse to provide oral fluid test, section 22 (2) hinder or obstruct a health professional from taking a blood sample, section 24D (1) and section 29 (2) refuse to undergo drug testing. Under the Road Transport (Safety and Traffic Management) Act 1999 those offences include: section 9 drive with the prescribed concentration of alcohol in the blood stream, section 11B (1) and (3) drive while illicit drugs are present in blood or urine and section 12 (1) drive while under the influence of alcohol or drugs.

Prescribed traffic offences under the Crimes Act include: section 51B (1) police pursuits, section 52A (1) (a) dangerous driving occasioning death while driving under the influence of liquor or drugs, section 52A (3) (a) dangerous driving occasioning grievous bodily harm while under the influence of liquor or drugs, and section 52A (2) and (4) aggravated driving occasioning death or grievous bodily harm where the aggravation was prescribed concentration of alcohol being involved in avoiding police pursuit or having abilities very substantially impaired by drugs. Most interestingly and curiously this amendment substantially replicates a provision that already exists. New section 21A (2) (p) explicitly refers to paragraph (ea) of section 21A (2). That is not surprising because paragraph (ea) already makes it an aggravating factor where "the offence was committed in the presence of a child under 18 years of age".

Additionally, section 21A (1) (c) makes an aggravating factor "any other objective or subjective factor that affects the relative seriousness of the offence". Even without paragraph (ea) section 21A (1) (c) would mean that the behaviour targeted in this bill would already have been regarded by a sentencing tribunal as an aggravating factor. I note that in the Legislative Council Minister Gay tried to distinguish the various provisions in the bill with what is currently in the Act. Frankly, his comments were nonsensical. They just did not make sense and he was unable to satisfactorily distinguish the provisions in this bill and the provisions already existing in the Act.

In his second reading speech the Minister in the Legislative Council made a grandiloquent claim that this bill would provide a strong deterrent to the behaviour complained of. That, of course, is unmitigated drivel, bearing in mind that it is already an aggravating factor. Additionally, deterrence means that a potential offender would be deterred from committing the offence because of the additional punishment to be imposed. In the overwhelming bulk of cases the likelihood of a potential offender specifically turning their mind to section 21A (2) (p) and thus being deterred is precisely zero. And turning their mind to section 21(A) (2) (p) and not having thought of section 21A (2) (ea) is even more absurd.

Another interesting aspect of the bill is the non-appearance of our colleague the Attorney General in the attempted fanfare surrounding the bill. The bill was introduced by the Minister for Roads and Ports. The actual announcement of it prior to its introduction was made by the Premier and the Minister for Police. The rather shame-faced absence of the Attorney General is no great surprise—the bill flies in the face of what he has previously said and done. He has referred to the complexity of sentencing. In the summer 2009-10 edition of *Bar News* he referred to the existing section 21A of the Act creating "much confusion". He said section 21A has been criticised by "Judges, prosecutors and defence counsel alike".

The legislative complexity, as the Attorney argued, has sometimes given rise to errors in sentencing and to appeals. Inevitably this bill will add to this complexity by inserting further provisions in section 21A (2)—the complexity, of course, is exacerbated by the apparent replication of the already existing provision of section 21A (2) (ea). This bill is a particularly extreme example of a phenomenon already criticised by the Attorney General. It is no wonder he was nowhere to be found at the announcement of the bill. The perverse result is that it will perhaps be harder to get sentences without appealable error. For those of us, particularly those on this side of the House, who care about child safety it is a lamentable possibility.

Indeed, it gets even sillier than that. To rectify the problems that the Attorney sees in the current sentencing regime to which this bill will add further problems, the Attorney has ordered a review into sentencing by the Law Reform Commission. That makes the pursuit of this legislation at this time less than logical. Introducing the bill in the Legislative Council, the Minister for Roads and Ports had to concede embarrassingly that the review by the Law Reform Commission is proceeding and that this bill may well need to be reviewed when the report is handed down. That is, if the Law Reform Commission recommends substantive simplification, alteration or abolition of section 21A then in a few months' time this bill will be rescinded.

I might add, this bill is another example of the Government refusing to abandon the law and order auction. The Attorney General made a range of claims before the election that the law and order auction would not be pursued, yet since the election he has introduced a number of pieces of legislation—mandatory life for people who kill police, move-on power expansions, graffiti laws and whole range of others that contribute to a law and order auction, which, frankly, breach those pre-election commitments. Because this bill will not actually add anything to the existing provisions in the law the Opposition does not oppose it.

**Mr CHRIS PATTERSON** (Camden) [4.27 p.m.]: I support the Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011. Our community has shown great concern about people who commit serious offences with children in the car. This Government is proposing to amend section 21A of the Crimes (Sentencing Procedure) Act 1999 to add a specific aggravating factor when a serious traffic offence is committed with a child passenger in the vehicle. This amendment is reflective of our community's calls for these changes, and this amendment will help protect children from reckless drivers. This sanction would apply to those convicted of drink and drug driving, engaging in a police pursuit, or refusing to undergo a breath analysis or provide a sample for drug or alcohol testing.

Police officers must shake their heads in disbelief every time a child is found in a car with a drunk or drug-affected driver or a reckless driver, with the realisation of what could have happened and in the worst case what did happen. This amendment will ensure that police officer's record when a child passenger is present in a

vehicle at the time of charging a person with a serious traffic offence. Let us hope this is all they do when a serious traffic offence is committed and not actually have to take on the grim task of telling the rest of a family that their child is not coming home.

This amendment will also require the courts to take that factor into account when handing down sentences for serious traffic offences. Why should the courts not have that information when handing down sentences? Not to allow these people's complete lack of respect for young and helpless life to be taken into account in sentencing is unacceptable. The courts should have the ability to consider aggravating factors when sentencing people who deliberately place children directly in danger. Magistrates should definitely consider longer sentences, larger fines and/or a jail term for those people so that they are held accountable and feel the full weight of the law for their irresponsible actions.

The amendment will not have any impact on the huge majority of our population. However, for the minority it will affect it could mean the difference between a fine and a jail term—and those who are imprisoned will deserve it. This Government has often said that it stands for accountability and our children. The community deserves that. I make no apologies to drivers who break the law. We have a legal blood alcohol limit for a reason. We have a law against not stopping when directed to by police. It is also illegal to drive a vehicle under the influence of drugs, just as it is illegal to refuse to take a breath or drug test. We do not need to look at the statistics to know the increased risk of causing an accident when driving over the legal blood alcohol limit or committing any of the serious traffic offences I have just mentioned. A person would be pretty dumb and careless to commit any of those offences with a child in a car. This amendment is a warning to any such person that our society, our law and this Government will hold them accountable.

This issue is close to home for us all—a lot closer than we may think. In April this year a man was arrested after crashing into a gutter in Claymore in my electorate. He was found with an open bottle of alcohol in his car and was breath tested at about 5.00 p.m. and recorded a blood alcohol reading of 0.128, which is more than double the legal limit. What I tell members next will shock and disgust them as it did me and the rest of the Camden and Macarthur communities. The man had a two-year-old and a three-year-old in the back seat of his car. His licence was suspended and he was granted conditional bail to face court at a later date. Such instances are happening everywhere—in Balmain, Plumpton, North Bondi and so on. We must send a message now that the seriousness of this type of offence will be taken into account at the sentencing hearing and that the people who commit such offences will be exposed for who they really are.

This behaviour must be prevented and when offences such as this are committed the courts must have all the details. They must know that the person standing before them is capable of abusing the trust a child has placed in them. This amendment will act as a huge deterrent to those irresponsible drivers and it will make them think twice before committing any of these reckless acts with such a valuable life on board. If it is not a deterrent to those imbeciles this legislation will enable the court to have access to all the facts when handing down a sentence. Every adult—not only adults who are parents—has a responsibility to ensure the safety and wellbeing of our children. As a Government we have the responsibility to ensure the safety of the children in our community. Adults make choices all the time; children do not. Choices are made for them and should be made with their best interests at heart. I commend those who have tirelessly pushed for these amendments on behalf of children who could be subjected to the reckless actions of someone into whose care they have been entrusted.

We can be proud as a united community that the safety of children on our roads will be enhanced. I commend both the Premier and the Minister for Roads and Ports on introducing these amendments. Our community truly understands that protecting all children is paramount and this Government is prioritising children innocently dragged into dangerous situations. For the member for Liverpool to say otherwise is unbelievable. Anything that strengthens our laws and makes these imbeciles more accountable is a positive. To belittle the Minister because part of this measure has already been addressed in legislation is incomprehensible. It is a privilege, not a right, to have the care of children. That same privilege extends to those who hold a drivers licence. The courts must sentence according to the evidence and evidence of abusing such a privilege and breaking the law should be a huge determining factor when a sentence is handed down.

With four children under 11 years of age, I am disappointed that The Greens have not supported this bill—although not surprised. According to David Shoebridge courts already can take into account aggravating factors. That is sufficient reason for him to say that this amendment is unnecessary. He pointed out that if a child is injured as a result of a driver being intoxicated or under the influence of drugs then the courts already take that into account as an aggravating factor. David Shoebridge is saying that we should not take into account the enormity of the risk a person is taking by having a child in their car when they are drunk and that

we should abandon trying to deter people from doing that in the first place. He is saying that we should wait until a person injures a child while committing a serious offence before the courts take it into account as an aggravating factor.

I am a parent and I do not want to wait for an injury to occur to a child and then have the courts take aggravating factors into account when considering the sentence the offender will receive after the fact. I want to know that everything is being done to prevent the injury in the first place. The contempt that The Greens have for child safety is astonishing. To put some misguided civil liberty before child safety is disgusting. I commend the Government, the Minister for Roads and Ports and the Attorney General, who has carriage of this bill, for raising this issue. Members should not make light of this concern, nor should it be made a political football. This bill makes child safety a priority and I commend the Government for introducing it. I know it will have a positive impact on road safety and that it will lead to a reduction in injuries to children caused by imbecilic adults. I commend the bill to the House.

**Ms TANIA MIHAILUK** (Bankstown) [4.39 p.m.]: As the member for Liverpool said, the Opposition does not oppose the Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011. As the parent of three young children I understand the pressures facing young parents, particularly first-time parents. Vehicle accidents result in the death of more than 30 children under the age of 14 each year. The loss of any child is a tragedy. I am sure that many members of this place have supported great charities such as Camp Quality or the Children's Cancer Institute, which help children who fall ill all too early. But the tragedy of a loss of a child is even greater when the circumstances are avoidable. As my colleague the member for Liverpool stated, the bill amends the Crimes (Sentencing Procedure) Act 1999 to introduce as an aggravating factor the circumstance where a child under 16 years of age is a passenger in a vehicle involved in some traffic offences, including drink and drug driving, engaging in police pursuits, failing or refusing to undergo breath analysis or provide a sample for drug or alcohol testing.

As the member for Camden stated, there are many tragic examples to remind us that as legislators we need to be vigilant about a number of traffic incidents, as we continue to have a large number of cases involving children. The bill recognises that the presence of a child under 16 years as a passenger during the time of certain driving offences should be considered an aggravating factor. It reaffirms section 21A of the Crimes (Sentencing Procedure) Act, which provides that aggravating factors taken into account when sentencing must include the presence of a child under 18 years. That provision is already in the current Act, and the amendment proposed by the bill will strengthen that provision of the Act by making it clear that the presence in a car of a child under 16 years is to be regarded as an aggravating factor.

This seems to be a commonsense and worthwhile reform. Even if the bill affects only a small number of cases by forcing the judiciary to consider a child's presence as an aggravating factor then it is a worthy piece of legislation. In matters of child safety every bit counts, and we have a responsibility to do the best we can to protect the children of New South Wales. The bill may not be a major legislative reform, and it may not bring about any change in the way in which driving offenders are sentenced, but regardless I am strongly supportive of the intention and the message of the bill. I commend the bill to the House.

**Mr GLENN BROOKES** (East Hills) [4.42 p.m.]: The community is understandably concerned about people who commit serious traffic offences. The community becomes even more outraged when that offence is committed by a person who has a child in their car. The changes that the Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011 will bring about are long overdue and will provide our courts with additional powers to deal with people stupid enough to place at risk children in vehicles. The Government is committed to protecting the welfare of our children. The changes brought under this bill will provide a strong disincentive to that small number of drivers who are reckless enough to place a child's safety at risk while they are engaged in the named serious traffic offence.

The number of drivers being caught driving under the influence of alcohol with young children in their cars is significant and alarming. Under the current law the penalties for such behaviour do not reflect the seriousness of the offence or the community's expectation. There are similar concerns with respect to people who drive under the influence of drugs. This is a serious issue, an issue that hopefully will rise above party politics. The bill should be passed without delay by both Houses. The beauty of the bill is that it does not create any new offences. The amendment simply makes it clear that committing a serious offence with a child under 16 years of age in the vehicle is an aggravating factor. The clear benefit of this amendment is that it will require courts to take the aggravating factor into account when sentencing the offender.

Of importance, the amendment will ensure that police officers are aware of the need to record information about children in a vehicle when charging an offender or issuing a penalty notice for serious traffic offences. The amendment is intended to reflect the gravity of committing a serious traffic offence with a child passenger in the vehicle. On that basis alone it is appropriate that the amendment has been introduced. Additionally, the amendment put forward by Minister Gay sends a clear message to the community that road safety is a high priority for this Government. There is no reason to delay this bill. Children do not choose to get into a car and put themselves at risk; it is the parents or other adults who make that choice. I think the bill will go a long way in deterring those people from putting children at risk, or at least make them think twice about doing so, because it is not only their children but children in other cars that they run into who will be put at risk. I congratulate the Minister for introducing these amendments and I commend the bill to the House.

**Mr JAI ROWELL** (Wollondilly) [4.45 p.m.]: The Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011 is an important bill as it pertains to the safety of our children and the safety of others on our roads, and I am happy to stand here and speak on it today. The amendment creates a new provision within the Crimes (Sentencing Procedure) Act 1999 to specify that having a passenger under 16 years of age in a vehicle is an aggravating factor for serious traffic offences. The benefit of this amendment is that it will require courts to take this factor into account when sentencing for serious traffic offences, providing a deterrent to drivers who put child passengers at risk.

This bill should be seen by everyone as a beneficial amendment—and hopefully an amendment that never needs to be utilised in our courts. But, sadly, history has shown that a small minority have broken and will continue to break the law on occasions and put children's lives at risk. This amendment will go a long way in ensuring that if a child is involved our justice system is well equipped to hand down the appropriate punishment. The amendment is designed to make our roads a safer place by acting as a deterrent, and this should only be seen as a benefit. It is a benefit to the mums and dads, sons and daughters, husbands and wives of Wollondilly who do the right thing and abide by the law.

More importantly, however, in my opinion is that the bill will help to make our roads safer for the children of Wollondilly and indeed the entire State of New South Wales—those under the age of 16 years who often cannot recognise the inherent danger in a situation or the potential repercussions of the situation that they have often unwillingly been placed in. These amendments go a long way in preventing situations similar to a number we have already seen this year. In a number of significant cases adults have driven whilst intoxicated with young children present in their vehicles.

For example, on 14 January a driver in Balmain returned a blood alcohol concentration reading of 0.144 from a roadside breath test. There were five children in her car at the time, aged from 18 months to 11 years. She pleaded guilty to driving with a mid-range prescribed concentration of alcohol. The court imposed a fine of \$1,000, ordered her to pay court costs and disqualified her from driving for six months. That penalty is certainly not in accord with community expectations, and that is why the Government is getting on with the job of making these amendments. In another example, on 17 March 2011 a driver returned a blood alcohol concentration reading of 0.192 after driving with two young children in her vehicle. She pleaded guilty to driving with a high-range prescribed concentration of alcohol, failing to undergo a breath test, driving in a manner dangerous and resisting police. These cases, frankly, are unacceptable and the aim of this bill is to discourage such behaviour and protect our children.

The amendment is not only based on those cases; Roads and Traffic Authority preliminary data for 2010 shows that two drivers were identified as being over the legal limit when involved in a crash that killed a child passenger under 16 years of age who was in their vehicle. Over the past five years there have been 133 passengers under the age of 16 injured or killed in crashes where the driver had an illegal blood alcohol level. These are serious issues leading to the death and injury of children on our roads. Surely we, as a collective in this House, can agree that this amendment is a good thing. One must ask why it has taken so long to realise this void in our legal system. Rest easy, because we need look no further than to those opposite. This is yet another example of how out of touch they had become with the current state of affairs in New South Wales. Thankfully, we now have a Government that shares the concerns of the people of New South Wales who are committed to righting the wrongs after 16 years.

**Dr Geoff Lee:** And an Attorney General.

**Mr JAI ROWELL:** I commend the Minister for amending the legislation. During the election we committed to a review of sentencing and this amendment is one step in that commitment. I note the interjection

of the member for Parramatta. Our Attorney General is in the Chamber as we discuss this important amendment to protect our children and I acknowledge the hard work that he is doing to ensure children's safety. I thank him for his efforts. This Government recognised that certain areas needed reviewing and wasted no time in actioning its commitments. Section 21A (1) of the Crimes (Sentencing Procedure) Act 1999 states that in determining the appropriate sentence for an offence the court is to take into account the aggravating factors listed in subsection (2) that are relevant and known to the court.

Inserting a specific circumstance of aggravation into this section with respect to certain traffic offences will ensure that this factor is considered and will focus the court's attention on it when determining the seriousness of the offence and the sentence to be imposed. The new circumstance of aggravation is intended to reflect the gravity of committing a traffic offence with a child passenger in the vehicle, and it is appropriate that a specific circumstance of aggravation be introduced. As the Minister highlighted, in addition to focusing the attention of the courts on this issue, an aggravating factor in section 21A will ensure that police officers are aware of the need to record information regarding children in the vehicle when charging or issuing a penalty notice for serious traffic offences.

Further, when preparing statements of facts and evidentiary statements for court, police will know that this information should be included. In addition, police prosecutors will be aware that when offenders appear for sentence on serious traffic matters they need to bring this factor to the attention of the court. The amendment is serious, although I note that someone opposite said that it may not be major legislative reform. The Opposition supports the amendment. It may not be the most significant legislative reform process we have undertaken in the last 200 days, but it is probably one of the most important. As the father of two young boys—Will, aged nine years, and Menzies, aged two years—I could not dream of placing them in danger. I think that would be the attitude of most members of the community, but there are a few who do not think of these situations and we must do everything we can to protect the safety of our children. I support the amendments and commend the bill to the House.

**Dr GEOFF LEE** (Parramatta) [4.52 p.m.]: It gives me great pleasure to speak in support of the Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011. The object of the bill is to amend the Crimes (Sentencing Procedure) Act 1999 to make it an aggravating factor to be taken into account in sentencing an offender for certain traffic offences if the offence is committed while a child under 16 years of age is a passenger in the offender's vehicle, or if the offence is connected with the driving of a vehicle with such a passenger. Some of the traffic offences concerned include drink driving, drug driving, causing a police pursuit, dangerous driving under the influence of alcohol or drugs and failing to undergo a test for alcohol or drugs.

I congratulate the Opposition on its support of this common sense and logical bill which sends a clear message to potential offenders about driving under the influence and putting people under 16 years of age, who do not make the decision for themselves, in harm's way. It is certainly important to send that message to potential offenders to minimise the occurrence of that offence and I thank the Opposition for its support.

I will reiterate some comments as co-chair of the Legislation Review Committee. While this bill has the potential to influence personal rights and responsibilities, on the balance of evidence it provides a sensible step in the clarification of how to protect the rights of children under 16, because they do not often make the choice or are unable to make the choice and it is really up to the parents or the adults in control to make those choices for them. Drink driving is a major issue in our society. It is the cause of many accidents. Although we have moved a long way in the last 25 years to make drink driving socially unacceptable as well as illegal, some people continue to drink and drive. It saddens me to note that over the past five years 133 people under 16 years of age have been killed or injured in circumstances where the driver had an illegal blood alcohol level. This legislation is required to send the strongest and clearest message.

The other serious offence which the bill addresses is drug driving, which is a fairly new phenomenon. Over the past 20 years there has been an increase in the use of illicit and recreational drugs. Recreational drugs are illegal and dangerous and people take them misguidedly without thinking of the overall consequences. In relation to police pursuits, it appals me when police are involved in pursuits. I commend them for taking all care and responsibility. Police do a fantastic job in apprehending potential criminals who try to evade the law. The police are simply doing their job and find themselves in the very difficult situation of making life and death decisions within split seconds. They should be commended for their efforts.

The comments I have made certainly apply to dangerous driving under the influence of alcohol or drugs and those who fail to undergo a test for alcohol or drugs should also be the subject of the amendment

because they too are trying to evade the law. There should not be any loopholes for those who do not want to comply with a police direction. The bill provides that is an aggravating factor and it addresses what the Government wants to do in terms of protecting society, making common sense laws and sending the strongest and clearest message to the community that putting young children at any risk is unacceptable. The bill reflects the views of people I have talked to in the community and the outrage that people express towards people drink driving with young children in the car. As legislators in this place we need to be cognisant of reflecting our society's views and comments in the legislation that we put forward.

At the moment there is no requirement to record the aggravating factor: if someone is stopped and proves to be over the legal limit for alcohol or drugs there is no requirement for police to record the presence of a child when conducting roadside drug testing or breath analysis, or if the person refuses to undergo a test. This bill addresses that situation and will make it mandatory for the aggravating factor to be recorded and brought to the court's attention if the alleged offender is taken before the court. The bill provides for the court to take into account the presence of a child under 16 years of age, but the court still has flexibility in imposing an appropriate sentence.

It not only gives the courts the scope; it also gives them information to be used in the imposition of an appropriate sentence if the person is guilty. Some 15,000 children under the age of 15 live in the electorate of Parramatta. Of that number close to 10,000 are of school age and attend one of the 20 schools in the area. Cars are an important mode of transport in the western suburbs—about 30 per cent of the households in my electorate have more than one car. They enable people to conduct their daily lives, for example, getting to and from work, driving children to and from school and engaging in general recreational activities.

This bill is only part of a suite of legislative improvements that the Government will introduce to keep the community safe. The Government has already delivered on its pre-election commitment to install flashing lights in school zones in my electorate. The Government is concerned about children sitting in the backseats of cars when people are driving under the influence of alcohol or drugs, or when there are police pursuits of vehicles. This Government wants to ensure that preventative measures are implemented that will keep our children safe. The Parramatta electorate is a built-up area so it is easy to miss school zone markings.

Flashing lights are installed in school zones to warn motorists that schoolchildren are in the area. It is not about wanting to fine motorists; it is about keeping our children safe. Motorists want to slow down but they also want to be given every opportunity to obey the law and keep our children safe. Since this Government has been in office flashing lights have been installed at the following schools in my electorate: Our Lady of Lebanon College, Our Lady of Mercy High School, Arthur Phillip High School, Melrose Park Public School, Parramatta Public School and St Patrick's Primary School. Over the past seven months I have had the pleasure of visiting many of the schools in my electorate. For example, I had much pleasure in attending the half yearly ceremony at St Patricks, Dundas—

**Mr Greg Smith:** It is a very good school.

**Dr GEOFF LEE:** I acknowledge the interjection of the Minister. He agrees that St Patricks is a very good school. I commend Brother Robert Sutton, the school principal, for the great work he has done at that school. I have spoken before in this place about Brother Sutton and St Patricks. I was impressed at how well behaved the 800 or 900 students were who attended that ceremony. Not one of them spoke out of turn or fidgeted; they were all focused on the award ceremony. Flashing lights have also been installed at Melrose Park Public School. Ms Clare Kristensen, the school principal, has worked tirelessly with the parents and citizens association at that school to deliver a fantastic little school. Those familiar with the Parramatta area would know that the school is located in part of an industrial estate where the "rat runners" cut through and drive particularly fast down Wharf Road.

The principal of Catherine Macauley Westmead is Ms Margery Jackman. At that school I observed the children—starting from kindergarten up—sitting cross-legged and in straight rows in their new hall. They were all paying attention and were thrilled to receive their awards. The most recent school I visited was Rydalmere Public School where Mr Rick Daly, the school principal, has achieved wonderful results in getting parents involved and in lifting the academic profile of the school. When I spoke to some of the parents last Friday they told me how disappointed they were that Mr Daly is leaving the school. The school will not be the same without him. I congratulate Mr Daly on his dedication and on his efforts in uniting the school. He is so dedicated that I even saw him on Saturday at a public meeting about a development adjacent to the school. He is not working at the school only from 9.00 a.m. to 5.00 p.m. five days a week; he is giving of his time to the community.

Eyewatch is another program that this Government has introduced to keep the community safe. This twenty-first century approach to Neighbourhood Watch has been welcomed by the community. We have received a lot of positive feedback about the Eyewatch trials that were conducted at Quakers Hill and we are looking forward to the trials at Lake Parramatta. Unfortunately, crime is a factor in most communities but this program will allow everyday people to share real-time information about any potential perpetrators who may be lurking around. We need modern-day solutions to modern-day problems.

Recently the inaugural Neighbourhood Watch was launched in the Dundas area, and I commend Granville Local Area Commander Bob Barnett and Councillor Andrew Wilson for taking the time to speak to the locals. It means that the Eyewatch program will be complemented with on-the-ground meetings, which is particularly important to those members of my electorate who do not have computers and who feel more comfortable in a meeting-type situation. I am proud of the Government's achievements over the past short seven months. I note that the Opposition supports the bill which addresses the expectations of the community that it is unacceptable to put children at risk. The strongest message must be sent to parents that this type of behaviour is unacceptable. Children are the innocent victims; they do not have a choice.

**Mr GREG APLIN** (Albury) [5.07 p.m.]: Last weekend at Wangaratta, an hour from my home, three young drivers were arrested by police for racing their vehicles through the city streets. The situation of one of the drivers is deserving of particular attention. An article in the *Border Mail* stated:

The P-plate driver, 21, who was allegedly clocked travelling at 130km/h in a 80km/h zone, had his girlfriend in the passenger seat and a three-month-old child in the back.

As a society we want to protect the vulnerable—those who cannot always take action to protect their health and wellbeing. Children in cars driven by adults typically have little say in their situation. In a practical sense they must go along for the ride. Should the driver be intoxicated or affected by drugs, or otherwise driving recklessly, that child is indeed placed at high risk of injury or death. The Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011 is another step in the ongoing campaign of road safety. While the bill creates no new offences, it focuses on the demand that we take steps, explore all reasonable avenues and institute processes that may improve the safety of a child or children at risk.

Prescribed behaviour will become an aggravating factor for the purposes of section 21A of the Crimes (Sentencing Procedure) Act 1999. The driver behaviours which will trigger this sentencing factor are drink driving, driving whilst under the influence of drugs, driving in a police pursuit, dangerous driving under the influence of alcohol or drugs, and failing to undergo a test for alcohol or drugs. The relevant age for the child in the vehicle is that he or she must be under 16 years of age.

The second aspect to the bill tidies up a gap in current procedures. At present there is no requirement for police to record the presence of a child in the vehicle when conducting roadside drug testing or when charging an offender for a serious traffic offence. The effect of the proposed amendments is that police will record the presence of a child in the vehicle at the time of charging or issuing a penalty notice to a person for a serious traffic offence. This information will now be brought to the court's attention on sentence. Importantly, the court retains the discretion to determine what weight is to be placed on the presence of the child in the vehicle. We would not want to see any mandatory direction to the court to, for example, increase the penalty applied to an offender upon conviction.

In my role as chair of the New South Wales Joint Standing Committee on Road Safety, I am immersed in the work of road safety. I am working with people and organisations which deal with complex realities and with human frailty and its consequences. To this end I would not want to see parents separated from their children, for example, due to an increased jail term for driving while intoxicated with a child in the vehicle. In its absolute worst form of dangerous behaviour a jail sentence may be one of the only means of protecting the child and, indeed, the wider community. But splitting families is not what this Government is about. Anyone who would engage in the prescribed risky driving behaviours targeted by this bill already has problems which are quite outside the bill's focused context. These people need help. As a community we must focus on how best to bring such people to the attention of professionals capable of relevant delivery of health care, counselling or simple education.

For some individuals it might be necessary to fit an ignition interlock device to their vehicles which will prevent them from driving while intoxicated. The fundamental aim must not be to prevent drug or alcohol intoxicated persons from driving their vehicles, but to reach them before they succumb to an impaired state of reasoning. No-one would say that this is a simple or straightforward task, but it is a task that governments have always endeavoured to fulfil, whether the underlying problem is substance abuse, depression, poverty, mental

health or family breakdown. A recent shocking road accident in Victoria highlighted the difficulties. Passengers on their way home from a party were observed getting out of a vehicle to argue with the driver. I understand from media reports that the driver was at the time disqualified for drink-driving.

I do not wish to get into the legal issues of this tragic event but it is pertinent to wonder whether the passengers were more concerned about their personal safety than the nature or extent of any sanction which might befall the driver. Nevertheless, they returned to the vehicle and were injured or, in the case of one passenger, killed shortly thereafter when the car rolled. Road safety is not a static concept nor is it capable of improvement by any single action or by treatment in isolation from the community. Instead we must approach road safety on many fronts and by many policies. This bill is another step in that ongoing and ever-changing process, and it has my support.

**Mr BRYAN DOYLE** (Campbelltown) [5.13 p.m.]: I support the Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011. As the most senior police officer to have entered this Parliament, it gives me great pleasure to support this bill which takes into account the serious impact it has on the community when children are wilfully exposed to the perils of dangerous driving. I note that this bill includes driving with a prescribed concentration of alcohol, driving under the influence of drugs, refusing a breath test or a medical practitioner taking a sample, driving dangerously occasioning grievous bodily harm, driving under the influence of drugs or, in the case of a police pursuit, driving dangerously and not stopping when being pursued by police officers. It should be noted that the last offence arises from Skye's law, a tragic case in which a young child was killed as a result of the criminal actions of a fellow who was driving dangerously to avoid arrest.

Skye Bridge, which spans the M5 at Ingleburn and Minto, is a solemn reminder of the tragic consequences when children are exposed to criminal behaviour on the road. It is about community safety and it is about looking after our community. Every year in Campbelltown we have a memorial day for a colleague of mine, Senior Constable Jim Affleck, VA, which stands for valour. He was killed while attempting to arrest and stop an offender who had a child in his car and who was driving dangerously down the M5. When Senior Constable Affleck laid down the road spikes to stop this offender he laid down his life in defence of his community. This bill is important as it reflects the seriousness of those who engage in dangerous criminal activity—driving cars on our roads when they have children in their vehicles. As a senior police officer I used to monitor incidents such as this when the lives of my officers and the others involved rested in my hands. Legislation like this is important not only for the community but also for the police. I commend the bill to the House.

**Mrs TANYA DAVIES** (Mulgoa) [5.16 p.m.]: I support the Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011. At the outset I place on the record my strong commendation to the Hon. Duncan Gay, MLC, Minister for Roads and Ports, for championing this important change to existing legislation. The Minister understands that we, as a Government, must leave no stone unturned to protect our children when their caregivers fail. In each and every circumstance we, as a Government, must do all that we can to protect our children. The purpose of this bill is to amend the Crimes (Sentencing Procedure) Act 1999 to allow the introduction of an aggravating factor for certain serious traffic offences when a child who is under the age of 16 is a passenger in an offender's vehicle. That aggravating factor is to be applied to serious offences involving drink and drug driving, engaging in police pursuits and failing or refusing to undergo breath analysis or provide a sample for drug or alcohol testing. Committing a serious traffic offence with a child passenger presents a significant danger to the child. There can be no argument on that point.

Children are our most vulnerable members of society. They do not have a voice that is easily heard. That is why governments and institutions must stand up and defend them at every turn. A child's welfare, safety, education and health are totally dependent on their caregivers. When dangerous driving situations arise and a caregiver is breaching his or her duty of care and putting a child at risk while committing a serious traffic offence, it causes great anger in our communities and calls for action from governments. This Government, likewise, is angered when it hears reports of the blatant disregard that some drivers have for the welfare and safety of their young passengers by driving intoxicated, speeding, or refusing to cooperate with police.

Advice given to the Minister for Roads and Ports noted that section 21A of the current law makes no requirement for courts to consider whether children were in the car at the time of an offence. Likewise, police are not obliged to record this information when issuing a penalty notice for serious traffic offences. According to our commitment to preserve the safety of children wherever we can, this legislative gap is unacceptable, and drivers who put young passengers at risk, especially vulnerable children, should be subject to the scrutiny and full force of the law.

There are a significant number of cases of adults driving whilst intoxicated with young children present in their vehicles, which is unacceptable. The aim of this bill is to discourage such behaviour and therefore protect our children. The Minister for Roads and Ports, in his second reading speech, gave a number of examples of persons who had children as passengers and who engaged in such driving behaviour. I will repeat some of those examples now. On 14 January 2011 a driver in Balmain returned a blood alcohol concentration reading of 0.144 from a roadside breath test. At the time she had five children in her car, all of whom were under the age of 11. In March 2011 a western Sydney driver with two children in her vehicle was found to have a blood alcohol concentration of 0.192. Just last month, October 2011, a 13-year-old girl suffered facial and possible neck injuries as a result of being in a car that her father was driving when he crashed into parked vehicles. Her father's blood alcohol concentration was four times the legal limit.

These incidences, and many others that are not reported in the mainstream media, are outrageous and rightly deserve swift action being taken by our Government. Preliminary data for 2010 from the Roads and Traffic Authority shows that two drivers were identified as being over the legal blood alcohol concentration limit when involved in a crash that killed a child passenger under 16 years of age who was in their vehicle. Over the past five years 133 passengers under the age of 16 were injured or killed in crashes involving a driver who had an illegal blood alcohol level. Such a high number of injured passengers illustrates serious implications for our health system and the social costs of rehabilitating and caring for people who have suffered acute injuries.

Behaviour that leads to death and injury of children on our roads is a serious issue. That fact alone is reason enough to introduce this bill. Any delay in passing the bill or opposition to the bill demonstrates an ignorance of the real dangers on our roads to our youngest citizens and a head-in-the-sand approach to matters of critical importance. The message to drivers is clear: If they commit a serious offence with a child in the car they are driving, they can expect a tougher sentence to be imposed by the courts. In the other place, the only member who opposed this bill was The Greens member, Mr David Shoebridge.

**Mr Stuart Ayres:** Shame.

**Dr Geoff Lee:** Shame.

**Mrs TANYA DAVIES:** Shame indeed. I acknowledge the interjections. Mr David Shoebridge's objection is based on his misunderstanding of section 21A of the Crimes (Sentencing Procedure) Act 1999. Mr David Shoebridge thinks that the existing legislation will deliver the same result as will be delivered by provisions of the bill before the House. However, he is misinformed. He has failed to distinguish between a child who is an observer of an accident or an incident and a child who is a passenger in a vehicle that is involved in an incident. That misunderstanding led him to oppose the bill. The existing Act applies when a child witnesses an offence, but the legislation before the House will apply when a child who is a passenger is endangered. This bill will focus the courts' attention on endangerment of child passengers. The benefit of this amending bill is that it will require courts to take that factor into account when imposing a sentence for serious traffic offences. It will provide a deterrent to drivers putting child passengers at risk.

Currently, magistrates can apply a range of penalties for these offences. This amending bill provides courts with a clear direction that they should apply a higher penalty when a child is a passenger in a vehicle and one or more serious offences are committed. The changes will provide a strong deterrent to the small number of drivers who would risk a child in that manner. The provisions of this bill indicate to a magistrate that a child in the vehicle is an aggravating factor and that the penalties imposed should be tougher. As a mother of a four-and-a-half-year-old little girl, I am dumbfounded and cannot comprehend any parent willingly endangering the life of a child by choosing to take drugs and alcohol and then drive, or choosing to disobey the laws of our land by opposing police action and not cooperating with the police. There is no excuse whatsoever for that action. I applaud every action our Government takes that will send the strongest message to our State that these actions are unacceptable and will attract very serious penalties.

This is a minimal legislative change with a significant legal effect. This amendment will send the New South Wales community a very clear message that in New South Wales it is unacceptable for dangerous drivers to put children who are passengers at risk. This bill is worthy of the support of all members of this House, regardless of where they are on the political spectrum. I state for the record that in the other place, Liberal, Labor and Christian Democrats members all supported this bill and I thank them for doing so. I also thank members of the Opposition in this House for their bipartisan support for this bill. Sadly, The Greens in the other place opposed this bill. That is astounding considering that one significant offence was reported to have

occurred in Balmain on 14 January this year. I hope that The Greens member for Balmain will join us in supporting the bill and not cling to party political lines. For all the reasons I have stated, I strongly commend this bill to the House.

**Mr TONY ISSA** (Granville) [5.25 p.m.]: It gives me great pleasure to support the Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011. Children need to be protected. It is not by their choice that they are in a car with a driver who is under the influence of drugs or alcohol. Children cannot speak for themselves, so this bill will speak for them. The purpose of this bill is to amend the Crimes (Sentencing Procedure) Act 1999 to allow for the introduction of an aggravating factor relating to certain serious traffic offences involving a child under 16 years of age who is a passenger in the offender's vehicle. The aggravating factor is to be applied to serious offences involving drink and drug driving.

Considerable community concern has been expressed about people who commit serious traffic offences when a child is in their vehicle. The Government shares the community's concern and is committed to protecting the welfare of our children. In 2011 a significant number of cases occurred involving adults driving while intoxicated and while young children were present in their vehicle. The member who preceded me in this debate, the member for Mulgoa, highlighted some cases that illustrate the purpose of the bill: one case occurred on 14 January 2011 and involved a driver in Balmain; another case involved an incident that occurred on 17 March 2011 and involved a driver in western Sydney. Both offenders pleaded guilty to a high-range prescribed concentration of alcohol. These cases involve behaviour that is unacceptable. The aim of this bill is to discourage such behaviour and protect our children. However, this amending bill is not based only on these cases.

Preliminary data for 2010 from the Roads and Traffic Authority shows that two drivers were identified as being over the legal limit when involved in a crash that killed a child passenger who was under 16 years of age and that there has been a total 133 cases involving children under the age of 16 who were injured or killed in crashes involving a driver with an illegal blood alcohol concentration. These are serious issues that have led to the death and injury of children on our roads. In relation to drug driving, there is again no doubt that driving while affected by drugs also increases the risk of a crash. The aggravating factor also will apply to offences of refusing or failing to undergo a test, or provide a sample for drug or alcohol testing. The amending bill will create a new provision within the Crimes (Sentencing Procedure) Act 1999. The benefit of this legislation is that it will require courts to take the aggravating factor into account when imposing a sentence for serious traffic offences. Another benefit is that it will ensure that police officers will record the fact that a child passenger is present in a vehicle at the time of charging or issuing a penalty notice.

Prior to the election, the New South Wales Government committed to a review of sentencing. A reference in relation to sentencing was made to the Law Reform Commission in September 2011. The commission may consider how aggravating circumstances are dealt with in the sentencing process. It is possible that this legislation may need to be reviewed in the process of responding to the commission's report. However, this is no reason to delay the bill, which will provide for increased safety for our children on our roads. This amendment sends a clear message to the community that road safety is a high priority of this Government. All members are aware that in its budget this Government has provided approximately \$100,000 to ensure the safety of children at school crossings. That is another demonstration of how the Government takes the protection of our children seriously. This Government has given the power to police to protect our children because they deserve to be safe. I commend the bill to the House.

**Mr DOMINIC PERROTTET** (Castle Hill) [5.30 p.m.]: I support the Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011. Drink-driving accounts for more than 40 per cent of fatalities on our roads. In the past five years 133 passengers under the age of 16 have been killed or injured on the roads in circumstances in which the driver had an illegal blood alcohol concentration. I support this bill, as it is an attempt by the Government to address this serious issue and provide greater protection to the children of New South Wales. The object of this bill is to amend the Crimes (Sentencing Procedure) Act 1999 to make it an aggravating factor to be taken into account in sentencing an offender for certain traffic offences if the offence is committed while a child under 16 years of age is a passenger in the offender's vehicle. Section 21A of the Crimes (Sentencing Procedure) Act 1999 sets out a number of aggravating factors that the courts are required to take into account when sentencing. This bill, if passed, will have the effect of inserting into section 21A (2) a new paragraph (p) which will read:

- (p) without limiting paragraph (ea), the offence was a prescribed traffic offence and was committed while a child under 16 years of age was a passenger in the offender's vehicle.

The effect of this amendment will cover those offences defined as "prescribed traffic offences" under sections of the Road Transport (Safety and Traffic Management) Act 1999 and the Crimes Act 1900. They are for serious offences which include: drink-driving, drug driving, driving in a police pursuit, dangerous driving under the influence of alcohol or drugs and failing to undergo a test for alcohol or drugs. This Act will ensure that magistrates, when considering an appropriate sentence for someone convicted of a prescribed offence, will take into account whether the offence was committed whilst the offender was driving with a passenger or passengers under the age of 16 years. The amendment will provide magistrates with a clear direction that they should apply a higher penalty in circumstances in which the offender puts the child at risk.

How does that discretion come into play? The offence of drink-driving has a legal requirement that offenders face the court. Penalties for an offence of drink-driving are considerable and can range from a fine for a first offence for low range and up to two years imprisonment for a second offence of high range prescribed concentration of alcohol. In those circumstances mandatory minimum periods of disqualification apply, with the severity of the penalty above the minimum to be determined by the magistrate. The amendment contained in this bill will ensure that magistrates will be required to give consideration to whether children were in the vehicle when determining an appropriate sentence.

Other serious offences such as drug driving, dangerous driving and engaging in police pursuits carry substantial maximum penalties and disqualification periods, including jail terms in practically all cases. The penalty range specified for traffic offence provides significant scope for sentencing discretion. This broad scope enables courts to properly reflect on aggravating factors when sentencing. Governments have very good reasons to write into law specific factors that the courts should consider when sentencing, whether they are aggravating factors, mitigating factors or other factors. They provide clear directives to the courts about what factors they should consider when sentencing.

I note that the member for Liverpool said that the proposed amendment is not really necessary as it is generally covered under section 21A (2) (ea) of the Act, which states that the offence was committed in the presence of a child under 18 years of age. The member for Liverpool also criticised the absence of the Attorney General and implied that the Attorney General had purposely sat this one out due to comments he had made about the complexity associated with sentencing in New South Wales. I do not know if he noted the presence of the Attorney General in the Chamber when he gave his speech. The Attorney General is present now and will make a reply to this debate, and for good reason. I do not believe that the Attorney General's comments in the 2009-10 edition of the *Bar News* when he referred to section 21A as creating much confusion and a section that gives rise to appeals and errors in sentencing contradicts this proposed amendment.

There is no doubt that this section of the Act has been widely criticised by the legal fraternity and that is why the Attorney General made a referral to the Law Reform Commission in September 2011 requesting that it review the Act. In my view this amendment not only sends a clear message to dangerous drivers who may put children at risk but also clearly provides greater direction to magistrates when penalising a person who has committed these serious offences with a child in the car. It supports the view held by the Attorney General that amendments to this section of the Act should be considered. We will see what comes out of the review, but I do not have to go too far back to see why amendments to sentencing should be made.

On 14 January 2011 a driver in Balmain returned a blood alcohol concentration reading of 0.144 from a roadside breath test. The driver had five children aged from 18 months to 11 years in her car. She pleaded guilty to driving with a mid-range prescribed concentration of alcohol. A fine of only \$1,000 was imposed, and she was ordered to pay court costs and was disqualified from driving for six months. Clearly amendments were needed to give greater direction to magistrates in this sentencing area. Section 21A (2) (ea) of the Act provides for an aggravated offence in circumstances in which "the offence was committed in the presence of a child under 18 years of age".

Aside from the obvious change to the age of the child present at the scene of the offence being reduced from 18 to 16, if anything this amendment provides clearer guidance to the courts and to the police in respect of what constitutes an aggravated offence. It can be noted from other paragraphs in the Act under section 21A that there are a number of direct examples of aggravated offences such as: paragraph 2 (c) the offence involved the actual or threatened use of a weapon; paragraph (ca) the offence involved the actual or threatened use of explosives, chemical or biological agents; paragraph (d) the offender has a record of previous convictions; and paragraph (eb) the offence was committed in the home of the victim or any other person. They are specific examples that are easily quantifiable.

Clearly there have been some issues in respect of sentencing in which serious offences occur when children have been in a vehicle at the time of the offence. That is why I believe that the further amendment provides greater clarity and that clearly section 21A (2) (ea) is not sufficient. If anything, this amendment is right in line with the concerns and criticisms of the Attorney General of this section of the Act. The Attorney General has asked that the commission report back to the Government in October 2012. The commission may make recommendations for reform in relation to how aggravating factors are taken into account by the courts on sentencing. It is the Government's view that the report and recommendations will be considered when it is received.

Once the report is finalised I have no doubt that further amendments to this Act may need to be made. However, in the meantime we should not simply wait until October 2012 to determine what changes should be made. This amendment will provide greater clarity for and direction to magistrates. Therefore, there is no reason for this legislation to be rejected. The Government believes this amendment is important for the protection of children. It makes the legislation less complex, and provides greater certainty and direction for magistrates when sentencing people who have committed a serious traffic offence in the presence of a child. I commend the bill to the House.

**Mr MARK SPEAKMAN** (Cronulla) [5.40 p.m.]: I am delighted to support the Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011. The bill will amend the Crimes (Sentencing Procedure) Act 1999 to provide that it is an aggravating factor if an offence is a prescribed traffic offence and was committed while a child under 16 years of age was a passenger in the offender's vehicle. The Act lists the prescribed traffic offences as follows:

- (a) driving with the prescribed concentration of alcohol in the person's breath or blood,
- (b) driving with drugs in the person's oral fluid, blood or urine,
- (c) driving under the influence of alcohol or drugs,
- (d) refusing a breath test or analysis for alcohol or an oral fluid test or sample for drugs,
- (e) refusing, or preventing a medical practitioner or nurse from taking a urine test or blood sample, or wilfully altering a blood or urine sample,
- (f) dangerous driving occasioning death or grievous bodily harm while under the influence of alcohol or drugs or in a police pursuit,
- (g) driving dangerously and not stopping when being pursued by police officers.

I support this bill because the Government, among other things, puts the protection of children and road safety first and foremost in public policy. I am delighted that the Opposition supports the bill. I am very disappointed, but not at all surprised, that The Greens do not. They do not appear to share the Government's concerns about protecting the vulnerable in our society. I spoke earlier today in the debate on the Budget Estimates and Related Papers 2011-2012 about protecting those with disabilities and those who cannot protect themselves. Children in cars need to be protected from drivers who commit dangerous offences, but The Greens do not appear to have any concerns about that. The Government has introduced this legislation in response to community concern about dangerous drivers putting children under the age of 16 at risk.

As other members have noted, in 2011 we have heard of significant cases of adults driving while intoxicated. In January a driver recorded a blood alcohol reading of 0.144 and in March a driver in western Sydney with two young children in his car recorded a reading of 0.192. Those cases and others identified by the Roads and Traffic Authority are completely unacceptable. I support the legislation because it sends a clear message to the community that this sort of conduct is unacceptable. As I said, it is a delight to support this bill. It does not create new offences; rather, it adds an aggravating factor that must be taken into account by a magistrate when determining a sentence. I am proud that this Government is committed to road safety and the protection of children. I commend the bill to the House.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [5.45 p.m.], in reply: I thank the members for Liverpool, Camden, Bankstown, East Hills, Wollondilly, Parramatta, Albury, Campbelltown, Mulgoa, Granville, Castle Hill and Cronulla for their very useful contributions to the debate. The Crimes (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011 is a balanced response by the Government to community concerns about the safety of our children. Its main purpose is to amend the Crimes (Sentencing Procedure) Act 1999 to introduce an aggravating factor for certain serious traffic offences when a child under

16 years of age is a passenger in the offender's vehicle. The aggravating factor is to be applied only to serious traffic offences involving drink and drug driving, engaging in police pursuits and failing or refusing to undergo breath analysis or to provide a sample for testing.

The bill does not create new offences. The amendment creates a new provision within the Crimes (Sentencing Procedure) Act 1999 to specify that having a passenger under 16 years of age in a vehicle is an aggravating factor for these serious traffic offences. The benefit of this amendment is that it will require courts to take this factor into account when sentencing for serious traffic offences, and thereby provide a deterrent to drivers who put child passengers at risk. Another benefit of the inclusion of this aggravating factor is that it will ensure that police officers record the fact that a child passenger is present in a vehicle at the time of charging or issuing a penalty notice to a person for a serious traffic offence and that that information is brought to the court's attention on sentence.

In New South Wales drink-driving is a serious crime and offenders must be dealt with by the court. Penalties for drink-driving are considerable and range from a fine for a first offence involving a low range prescribed concentration of alcohol to two years imprisonment for a second offence of a high range prescribed concentration of alcohol. Mandatory minimum periods of disqualification apply. However, the severity of the penalty above the minimums is at the magistrate's discretion. A range of other serious offences, including drug driving, dangerous driving and engaging in police pursuits, are also classified as major offences and proceed by court attendance notice. These offences carry substantial maximum penalties and disqualification periods, including jail terms in almost all cases. The penalty ranges specified for traffic offences provide significant scope for sentencing discretion. This broad scope enables courts to properly reflect matters of aggravation on sentence.

As has been mentioned, particularly in the other place, I have been a critic of section 21A of the Crimes (Sentencing Procedure) Act, primarily because it has on occasion been misinterpreted and wrongly applied by judges. One of the common errors made by judges or magistrates involves double dipping. The offence itself might carry an aggravating feature, such as wounding. However, a judge will take into account as an aggravating factor that the offence involved the actual or threatened use of violence. As a result, two aspects of penalty will be imposed even though the offence itself had an in-built element of aggravation. It is not always easy for judges and magistrates to separate those matters. Sometimes they and counsel, and solicitors assisting them, have fallen into error in that regard. When section 21A was enacted the Parliament tried to ensure that that would not happen. It included at the end of section 21A:

The court is not to have additional regard to any such aggravating factor in sentencing if it is an element of the offence.

Sometimes it is hard to honour the intent of that provision in practice. But section 21A is still the law and I, like everyone else, am subject to it. Despite referral of the Crimes (Sentencing Procedure) Act to the Law Reform Commission for its examination with a view to recommending changes and improvements to that Act, section 21A remains the law and it may remain the law in any new Act that results from the Law Reform Commission's report. The aggravating and mitigating circumstances, which in a sense try to codify the common law, have caused difficulties. I do not believe the new subsection that the amending bill inserts will cause confusion.

Over a long time, but particularly recently, a number of well publicised accidents and collisions have occurred in which children in the vehicles involved were put in danger as a result of the intoxication of the driver of that vehicle, the driver of the other vehicle or other culpable actions. The bill is introduced to create a stronger deterrent to such driving. Over the years the Parliament, the courts and prosecutors have tried to ensure the imposition of proper sentences that will deter dangerous driving. In the Court of Criminal Appeal the major case of *Jurisc* resulted in the promulgation of the first guideline judgement by the Court of Criminal Appeal. That was not done on the application of the Crown or the Attorney General; the court did that of its own motion and sought the cooperation of the parties in doing so. That case involved an appeal by the Crown against a manifestly inadequate sentence.

The court formulated the guideline that in a normal or average case of dangerous driving causing death the full sentence should be three years imprisonment; or, if the offence involved grievous bodily harm, or really serious harm, the full sentence should be two years imprisonment. That was an attempt to recognise the reality that dangerous driving penalties were inadequate, that courts were getting it wrong. That decision was followed by a change in sentencing practice, and sentencing courts generally stuck to the guidelines. These were guidelines; they were not mandatory principles, and sentencing courts still had discretion.

In a subsequent case some difficulty arose about guideline judgements when the High Court became involved in the case of *Wong v The Queen*, which involved drug importation sentences. That resulted in some

confusion regarding guideline judgements and it was necessary to go back to the Court of Criminal Appeal—when I was Deputy Director—in a case called Whyte which involved a reformulation of the guidelines after the High Court's decision in Wong's case. The Court of Criminal Appeal tidied up the guideline judgement, re-promulgated the guidelines, fixing the same penalties of three years for death and two years for grievous bodily harm. Another guideline judgement, in which I was again involved, related to an offence of driving with a high range concentration of alcohol.

Magistrates courts had been imposing too many section 10 discharges for high range prescribed concentration of alcohol offences, even in cases in which offenders had a previous conviction for that offence. In that case the court said that such penalties should be rare, and that when more than one such offence had been committed a jail sentence or other serious sentence should be imposed. From time to time the Parliament and the courts have tried to send messages to the community about the dangers of driving whilst intoxicated. The amendment to insert in the Act new section 21A (2) (p) will once again reaffirm that message. It sends a message to those who drive cars, particularly when children are in those cars, to drive carefully, and not to drive when under the influence of drugs or alcohol because that endangers lives.

It has been suggested, in the other House particularly, that section 21A (2) (ea), which deals with an aggravating factor, removes the necessity for this new provision. I do not think that is correct. Section 21A (2) (ea) refers to an aggravating factor that the offence was committed in the presence of a child under the age of 18 years. This could include being present in the street, in a school, in a house, in a playground—anywhere. Or the child could be asleep or not watching. Those could be circumstances in which the child is not endangered at all, either of being seriously physically injured or killed in an accident, or from the psychological damage of being shocked and hurt by what they observe. In this amendment we are talking about real danger, when the child is in a car when the driver is so affected by alcohol or drugs that that involves great danger to passengers, in this case children. So that is a much different offence. That is why it is important to emphasise that fact.

In the other cases I mentioned the child might not be old enough to know what is going on, or might be asleep, or might not be watching. In the case contemplated by this amendment that will not matter, because the child will be in danger by the very fact of being in a car driven by somebody who is drunk or highly intoxicated by alcohol or drugs. Despite the comments made in the other place, this provision covers a much different type of mischief. We must not lose sight of the fact every vehicle being driven on our roads is potentially a lethal weapon. Even if you are driving lawfully you may be involved in a crash because of the actions of a drunk or intoxicated driver, perhaps killing or maiming you or the other driver or passengers in the vehicles or pedestrians. That is what we are trying to prevent. This legislation sends out a message that the sort of behaviour covered by the amending bill is to be discouraged. It is a sad fact that too many people in our society ignore the dangers that they cause to others.

Section 21A of the Crimes (Sentencing Procedures) Act 1999 states that, in determining the appropriate sentence for an offence, the court is to take into account any of the aggravating factors listed in subsection (2) that are relevant and known to the court. Inserting a specific circumstance of aggravation into this section with respect to serious traffic offences prescribed in the bill will ensure that this factor is considered and will focus the court's attention on it when determining the seriousness of traffic offences. The new circumstance of aggravation is intended to reflect the gravity of committing a serious traffic offence with a child passenger in the vehicle and it is appropriate that a specific circumstance of aggravation be introduced.

The risk that the presence of the aggravating factor would lead courts to impose more lenient sentences for offences that do not involve a child should be considered. This change should have no impact on those matters and sentences should be reduced only by the presence of mitigating factors. Section 21A (3) of the Act sets out those mitigating factors. In relation to drug driving, there is no doubt that driving while affected by drugs also increases the risk of a crash. Similarly to testing for alcohol, there is no requirement to record the presence of a child when conducting roadside drug testing or when charging for a serious traffic offence. Extensive consultation has been undertaken on the sensible proposals in this bill. The former Roads and Traffic Authority, now Roads and Maritime Services, has worked closely with my department, Police and Emergency Services and the Police Force in the preparation of these amendments.

Before the election the Government committed to a review of sentencing, which will take place. This provision when enacted may not be changed at all. It may be clarified, or it may no longer be necessary. In conclusion, the bill will send a clear message to the community that road safety is of high priority for the

Government. The introduction of the aggravating factor of having a child in the vehicle will help protect vulnerable children by acting as a strong deterrent to drivers who are reckless enough to endanger a child in this manner. I am happy to 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**

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

#### **CHILDREN (EDUCATION AND CARE SERVICES) SUPPLEMENTARY PROVISIONS 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.**

#### **BUSINESS OF THE HOUSE**

##### **Notices of Motions**

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

#### **CONFUCIUS CLASSROOMS**

##### **Discussion on Petition Signed by 10,000 or More Persons**

**Dr GEOFF LEE** (Parramatta) [6.16 p.m.]: Tonight I speak to the petition of more than 10,000 citizens opposed to Chinese Government funded language and culture classes in New South Wales public schools. I acknowledge the people in the gallery and appreciate their interest in this important issue. This is the second petition on this subject to be debated in this Chamber, and I am honoured to table and speak to this petition. I have met the organisers of this petition on several occasions to discuss their concerns at length. I hope that the debate will shed light on this important issue and that the petitioners will feel that their views have been listened to and taken into account by the Government. It is critically important that Australia maintains independence over what our children are learning.

I am a firm believer in the value of education in transforming lives and opening up opportunities for students. As a former educator in both the TAFE and university sectors I know the power of education and the role that teachers can play in shaping young minds. It is important when an organisation backed by a foreign government seeks to establish an education program in our public schools that we remain vigilant against any attempt to influence our children in an improper way. However, I am convinced that the Department of Education and Communities is sufficiently involved in the establishment and monitoring of the Confucius classrooms program that the threat of political interference is minimal. I will explain the reasons at length later.

From discussions with the petition organisers I know that they support the teaching of Chinese language and culture in New South Wales schools. I also know that they are not opposed to stronger business and trade links between our two nations. China is Australia's largest trading partner. The Government values this partnership and supports the forging of greater links between our two great nations. In fact, the first overseas visit made by Premier O'Farrell when he won office was to China, which shows how highly the New South Wales Government rates our relationship with China. We already have a number of memoranda of understanding, some of which relate to improved educational links between New South Wales and China. To my knowledge I am the only member of this House with Chinese heritage, and the ambition to form closer links between Australia and China has my full support.

I represent an electorate in which 7 per cent of the population were born in China, and even more have Chinese heritage. Some of my own ancestors emigrated from China almost 100 years ago. In my electorate 6 per cent speak Mandarin at home and a further 5.3 per cent speak Cantonese. More than 50 per cent of the people in my electorate speak a language other than English at home. We are one of the most diverse societies on earth. Parramatta, possibly more than anywhere else in New South Wales, understands the importance of the teaching of foreign languages and learning about different cultures. The importance of young Australians having an appreciation of world languages and an understanding of other cultures is something that we can all agree with. But this is not a debate about language, or about culture; it is a debate about potential political influence and about cultural bias. It is a debate well worth having and it is an important debate.

The petitioners argue that the Confucius-classrooms program risks being used as a vehicle to promote an unbalanced view of Chinese politics. They argue that Chinese culture and politics are intertwined and that any program backed by the Chinese Government will omit important historical and cultural events, such as the pre-communist culture of Taoist, Buddhist and Confucian teaching, and the human rights of Tibetans, Falun Gong, the Tiananmen Square massacre and the status of Taiwan. They argue that, unlike other cultural and language organisations, such as France's Alliance Française and Germany's Goethe Institute, the Confucius Institute is founded only within international educational institutions and is wholly funded and run by government and staffed by teachers who have been politically vetted.

There are certainly elements of the program that do warrant scrutiny. However, I have confidence that the Department of Education and Communities has introduced a management structure that ensures that the department retains control over what is being taught and how it is being taught. The Confucius Institute operating within the department will be governed by a board that consists of four officials from the department and two representatives from the partner institute in China. So the department will always be in control over the future plans for the development and management of the Confucius classrooms program. Volunteer teachers from China will at all times be partnered by approved department teachers. The volunteers are experts in their native language and that is what they will be teaching.

I reiterate my support for the independence and impartiality of our public school teachers and my confidence in their ability to ensure that lessons adhere to the New South Wales syllabus. At all times the program must adhere to the New South Wales syllabus, which is under Board of Studies control. I am further assured by the department that, whilst the Chinese language syllabus does not include the study of political content, teachers will be able to consider contentious historical and social issues within their classes if they are raised by students. Open discussion, debate and consideration will not be blocked and will not be determined by any political doctrine. Of course, none of this detracts from the need for vigilance in ensuring that our schools remain free of political bias in whatever form it may take.

I am told that once the Confucius classrooms program commences in 2012 the department will continue to closely monitor the program to ensure that it adheres to guidelines and objectives. I close by reiterating that this debate is an important one to have. In a free and open society such as Australia we should not be afraid to scrutinise programs such as these to ensure that they adhere to Australian education principles. I commend the petitioners for their work in raising awareness of this program. I also commend the department for its commitment to proper management, monitoring and scrutiny of the Confucius classrooms program, and I look forward to its report on the progress of the program when it commences next year.

**Ms SONIA HORNERY** (Wallsend) [6.23 p.m.]: I acknowledge the audience tonight and say thank you very much for your enthusiasm and interest in public education because that is what it is all about for all of us here in the Chamber tonight. I will outline eight brief points about the petition. First, I commend the petitioners and state the Opposition's support for the positive benefits of petitions. Secondly, there is a vital need for studying all languages in schools. Thirdly, I emphasise the importance of our links with all Asian countries. Fourthly, I emphasise the importance of learning Mandarin and having Mandarin fluency in our New South Wales schools and as part of the curriculum. Fifthly, I refer to the advice we have received from the Office of the Chinese Language Council International.

Sixthly, I refer to the imperative nature of maintaining Australian involvement and supervision over teaching of all languages in New South Wales schools. Seventhly, I reiterate my confidence in the competence of New South Wales teachers, two of whom are sitting in the shadows in the Opposition at the moment, and the capacity of our New South Wales teachers to teach the curriculum with confidence. My eighth and final point is that members of the Opposition—the shadow Minister has emphasised this—will continue to monitor the role of

languages and the teaching of Mandarin in New South Wales schools. I repeat that we welcome petitions in our Parliament and believe that this is a fair and open way in which people's points of view are expressed, especially when more than 10,000 people are interested. I commend the petitioners for that.

Secondly, as a high school teacher myself I stress the vital need for studying all languages in schools. It is very important, particularly with our links and friendships with Asia. As a student I was particularly interested in history. One of my favourite subjects at university was foreign relations. Our lecturer stressed the importance of our friendships with our nearest neighbours in South East Asia. As a former chair of the Asia Pacific Friendship Group I emphasise the importance that we in New South Wales place on foster friendships with our nearest neighbours. That is one way that we in New South Wales do it in an honorary capacity.

My fourth point is that because China is Australia's leading trade friend it is very important that we teach Mandarin in our curriculum. When I grew up French and German were the only languages available to us to learn. They do not seem very relevant now given the distance one has to travel to get to France or Germany, whereas China is much closer. Many visitors from China from all different spheres and social groups frequently visit the New South Wales Parliament. It is vital that we teach Mandarin in our schools and certainly fluent translators and an understanding of the culture are very important. I will read some advice on my fifth point. It was received from the office of the Chinese Language Council International. It stated that the Confucius Institute does not fund Chinese language teachers in government schools. That is something I would not support.

I would not support any private body funding any languages or any subjects in government schools. That is not what government schools are about. That is not why I taught in government schools and I am pleased to hear that information. The International Chinese Language Council said the teaching and learning programs in Confucius classrooms will be based on the Mandarin language and syllabuses prescribed by the New South Wales Board of Studies and that these syllabuses do not include the study of political content. I was quite heartened by that. I repeat: the syllabuses do not include the study of political content. The Confucius Institute is a language centre and it is solely partnered with a provincial education department in China. For me, personally, I was heartened to learn that the New South Wales Government and the Board of Studies will maintain control of what is happening with languages and teaching of Mandarin at schools.

The seventh point I wanted to make was that as a former teacher I am very confident that language teachers in all of our New South Wales schools, whether they are at Brewarrina or western Sydney or my area of the Hunter, will confidently and competently teach the language and the culture in an appropriate manner and that they will not include political content in their teaching of the syllabus. That would not be appropriate anyway; and I certainly would not support it. Finally, it is our role as members of Government—and certainly it is my role as a member of the Opposition and as a person who is interested in the vital need for public education and good-quality teaching—to be monitoring this issue and watching very closely how we are teaching Mandarin in our schools. I will ensure Mandarin is taught in the most appropriate manner as it is vital for us to keep political content out of our schools and teach the Mandarin language to encourage knowledge of China in the best possible way.

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [6.29 p.m.]: Asian languages and studies will equip the students of today with skills to excel in careers in an ever-increasingly globalised economy. A greater cultural understanding and the ability to engage with our regional neighbours in their own language will help to build a more productive and competitive nation as well as a stronger New South Wales. This is beneficial for all Australians and for our economy, which the Coalition Government is strongly rebuilding, as well as for our community and for individuals.

The educational challenge is to develop a strong body of China-literate students. To be able to understand the language used by people in a different society, and to use it successfully when interacting with them, is about more than just learning vocabulary and grammatical structures, pronunciation and spelling. The National Declaration on the Education Goals for Young Australians mandates the need for Australians to become Asia-literate through engaging in building strong relationships with Asia. Indeed earlier this year the Premier, Barry O'Farrell, visited China and will be visiting India next week. Last year in February, before the Coalition won government, I had the pleasure of visiting China with the Premier to attend a trade delegation.

Within Australia, education authorities are implementing a variety of strategic plans to increase language teacher supply, stimulate student demand and implement new and improved methods of program delivery. In New South Wales we are committed to providing breadth and quality of Chinese teaching as a

matter of strategic priority. Research evidence indicates that students have a better chance of becoming bilingually fluent when they learn a language quickly, naturally and effectively. New South Wales already has a number of programs in place which effectively achieve that goal.

Significant support for the teaching of 35 languages offered in New South Wales is already provided and we already provide additional support through the Bilingual Schools Program, which is stimulating growth in student numbers for the four targeted Asian languages—Chinese, Indonesian, Japanese and Korean. In 1998 we established a stimulating and authentic Japanese environment in which students from kindergarten to year 12 were immersed in Japanese language and culture through innovative learning programs. The New South Wales Department of Education and Communities recognises the significance of a strong relationship with China in enhancing quality teaching and learning of the Chinese language in our public schools.

Partnering with China to establish a strong educational relationship that supports our teachers to deliver quality Chinese language and cultural programs will build on our programs. If we are to support students in becoming China-literate, that will be a necessity. That is why the department is building on an already strong suite of language programs through a partnership with China, thereby expanding opportunities for student participation in authentic language learning programs. The New South Wales Department of Education and Communities Confucius Institute is a joint venture between the New South Wales Department of Education Communities and the Office of Chinese Language Council International in China, Hanban, in partnership with the Jiangsu Provincial Education Department.

The institute will be managed by the New South Wales Department of Education and Communities and all educational programs will be aligned to the New South Wales Board of Studies syllabuses for Chinese language. Those syllabuses do not include the study of political content. Staff at the Confucius Institute will support schools with Confucius classrooms through the provision of quality teaching resources and professional learning opportunities for teachers of Chinese language. As early as 1997 the then Department of Education and Training and the Department of International Cooperation and Exchanges of the Ministry of Education of the People's Republic of China entered into a memorandum of understanding to boost the teaching and learning of Chinese language.

In 2002 the department signed a memorandum of understanding with the Education Department of Jiangsu Province for a reciprocal student exchange program. In 2010 the relationship was strengthened with a commitment to establish a Confucius Institute within the department and Confucius classrooms in our schools. This is not a new concept. Confucius Institutes have been established across the globe to enhance the understanding of Chinese language and culture and to strengthen education and cultural exchange as well as cooperation between China and other countries. In fact, more than 300 institutes have been established in more than 90 countries. Confucius classrooms present an opportunity for our students that cannot be dismissed. They will provide rich learning activities and support for our teachers that will lead to the best possible learning outcomes for students in New South Wales schools.

**Discussion concluded.**

## **PRIVATE MEMBERS' STATEMENTS**

### **NEWCASTLE ELECTORATE**

**Mr TIM OWEN** (Newcastle) [6.35 p.m.]: I thank the large number of Novocastrians who completed a survey that I recently sent out to each household in the Newcastle electorate. The responses that I received have certainly given me some great insight as their newly elected State member of Parliament. My office received a total of 1,688 completed surveys—an amazing response by anybody's standards. I take this opportunity to describe to the House some of the key findings from the returned surveys. Of the 1,688 responses, 86 per cent of them listed the rejuvenation of Hunter Street Mall as one of the top five priorities. That was by far the largest rating for any of the listed priorities. The message is clear: Newcastle must again become the thriving business hub that it has been in years gone by.

At the State level of the returned surveys, 44 per cent of respondents identified hospitals and health as their top priority, 35 per cent selected crime and safety as their main area of concern, and that was followed by 21 per cent of respondents who selected State infrastructure as their number one priority. The results speak volumes and will serve as a guide for me, as I strive to represent my constituents' views and opinions in the

State Parliament. It is very clear to me that Novocastrians have a strong voice and that they wish to be heard. I understand they are very passionate about their city—as am I, obviously. My aim will always be to consult with the community regarding projects and developments that concern our wonderful hometown.

I was elected by the people of Newcastle to represent their views and opinions. That is why I wanted to ask them up-front what their top priorities are for our city and indeed for the State. I look forward to continuing to meet with Newcastle constituents and community groups and receiving their feedback. No doubt the key issues for the people of Newcastle will evolve, and that is why I will continue to engage with them to ensure that I am always on the pulse as their local member. Recently I launched my mobile office, which will enable me to visit all the outlying suburbs of Newcastle. I am scheduling visits and meetings every couple of weeks. The introduction of the mobile office will better enable me to reach out to the people of Newcastle and listen to their views, face to face, in their local surrounds. I know it is not always easy to find the time to have a meeting in the city, and that is why I thought it was so important to kickstart this initiative.

I thank community groups who have invited me to a vast array of events since I was elected. I have had the honour of attending many public and private schools. I also have attended presentation nights for sporting clubs, such as Northern New South Wales Football and the Newcastle Knights as well as other presentations including the Novaskill Awards, the Hunter Manufacturing Awards and the Master Builders Association awards for excellence. A number of local organisations, including the Sunflower Centre, the John Hunter Hospital, the University of Newcastle and the Newcastle Historic Reserve Trust, have been kind enough to extend offers to me to learn more about their vision, mission and how they operate in Newcastle so that we can work together to improve opportunities for the local community.

I cherish those opportunities. Not only do I learn more about the people and organisations that I represent, but I also get to learn about the great work that they are conducting in our wonderful city. It is an honour and a privilege to have been elected as the State member for Newcastle. I will continue to seek out events and opportunities where I can have a real chance to learn from constituents and engage with them in discussion about the issues that matter most to them.

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [6.39 p.m.]: As a Novocastrian I endorse the remarks of the member for Newcastle. A large percentage of my family still resides in his electorate, although I have family scattered throughout regional New South Wales. I offer my congratulations to the member on the approach he is taking in true transparent and proper engagement with his community. The first steps he has taken in his electorate are outstanding and have been sought for a long time. They will only help foster and cement his relationship with electors as he makes a significant contribution to his electorate and to this State Parliament. Go the Knights!

### **TORCH PUBLISHING**

**Ms TANIA MIHAILUK** (Bankstown) [6.40 p.m.]: The *Bankstown Torch* is almost unique in the Australian media market. The *Bankstown Torch* was founded in 1920 by Lesley Alexander Engisch. Since then, three generations of the Engisch family have taken their turn to run the *Bankstown Torch*. What is more, Torch Publishing has now expanded to include the Canterbury edition of the *Bankstown-Canterbury Torch*, the *Auburn Review* and the *Cooks River Valley Times*. There are many reasons why the *Bankstown Torch* has been such an enduring success. The most significant of these is that the *Bankstown Torch* is locally owned and operated. The Engisch Family are an institution in Bankstown and their status is reflected in this great publication. The *Bankstown Torch* truly has its finger on the pulse of Bankstown. Upon reading the *Bankstown Torch* it is immediately clear that the paper has a genuine interest in the people and the community that it is reporting.

I pay tribute to the current management team of the *Bankstown Torch*, in particular the group managing director, Mr John Engisch, and the group general manager, Mr Trent Engisch. I acknowledge also the hardworking editor for all four papers in the Torch Group, Mark Kirkland. I am privileged to have a good rapport with the *Bankstown Torch*. As one might expect, during my time as mayor and now as local member there have been differences of opinion between the *Bankstown Torch* and me, but the *Bankstown Torch* and its staff always have maintained the highest level of journalistic integrity and impartiality.

Over the past couple of weeks Torch Publishing has sponsored or hosted two events in Bankstown, both of which have been a resounding success. The first was the Cancer Research Foundation Memorial Golf Day, which was held at Georges River Golf Course on Friday 28 October. I had the pleasure of attending that event. The *Bankstown Torch* is a major sponsor for this event, which is of personal significance to the Engisch

family. The day raised almost \$20,000 for the Cancer Research Foundation. As members of this House no doubt are aware, the Cancer Research Foundation is a premier charity responsible for awarding research grants to ensure that Australian medical scientists are at the forefront of cancer research.

The second event was the Torch Publishing Phil Engisch Memorial Race at Bankstown Paceway. This event commemorates the great love of trots racing of the late Phil Engisch, who was the editor of the *Bankstown Torch*. Bankstown Paceway has had some difficult times in recent years and the Phil Engisch Memorial Race is another demonstration of the Engisch family's commitment to Bankstown, and in particular to supporting Bankstown. I note that the member for East Hills is in the Chamber. I conclude by noting that this year marks 91 years since the first edition of the *Bankstown Torch* came off the press. From its humble beginnings with two employees, Torch Publishing has now grown to a company with more than 100 permanent employees and many more casual staff. I commend the staff of the *Bankstown Torch* and the Engisch family for the enduring success of this great publication and I wish them all the best for another 91 years of service and beyond.

### **ST PAUL'S GRAMMAR SCHOOL INTERNATIONAL BACCALAUREATE PROGRAM**

**Mr BART BASSETT** (Londonderry) [6.43 p.m.]: Recently I had the pleasure of attending St Paul's Grammar School at Cranebrook in my electorate to support the annual exhibition of the St Paul's Grammar primary years International Baccalaureate program. The International Baccalaureate is designed to facilitate the movement of students internationally, with senior secondary students receiving a diploma that is recognised by universities around the world. The aim of the program is to develop inquiring, knowledgeable and caring young people who help to create a better and more peaceful world through intercultural understanding and respect.

The program is open to students from K to 12 and has three age-based components: a primary years program for students aged three to 12, a middle years program for students aged 11 to 16, and the diploma program for students aged 16 to 19. It is the only school in New South Wales to offer all three International Baccalaureate programs. The programs focus on student-centred inquiry-based learning and global concerns. These challenge students to move out of their comfort zone and to undertake projects and areas of study that are new to them. They challenge students to think in sophisticated ways about the connections between ideas in different areas of study. They put learning into an international context.

As part of the program students are required to undertake a group project on particular subject matter or a contemporary issue that they would like to explore. Teams of different sizes are formed depending on the scope of the project and the required skill sets. Students are given latitude to make decisions about the topic, subject matter and creative design of the project. The topic and subject matter could be social, cultural, economic, environmental or sporting, or an integration of a number of issues that have an international context. To finish off their primary education a special evening is held to showcase the works undertaken by students as part of the program.

The evening commenced with a barbecue for students, teachers, parents and invited guests from the community. The students then staged a concert for parents, civic, business and community leaders. The entire junior school was involved in the production. At the conclusion of the concert all guests were invited to view the projects that were professionally displayed and presented in the school. Students were on hand to answer questions and present their vision to the members of the public. I was impressed by the passion, commitment and professionalism displayed by the students, who were enthusiastic about their projects. Students gained valuable skills in leadership, presentation and teamwork and also a better knowledge and understanding of the subject matter of choice.

The special event was hosted by the Head of the Junior School, Nigel Walker, but received strong support from the entire school community. I have enjoyed a positive working relationship with St Paul's Grammar for five years now and have visited the school on many occasions for meetings, graduation ceremonies, speech presentations and special occasions. It was a good opportunity to meet the new principal, Paul Kidson, who was appointed only this year to replace his respected predecessor, Dr John Collier, who served in the role with distinction for over 15 years. St Paul's Grammar has been educating young minds and future leaders since it commenced with 14 students in 1983. It has now grown to 1,350 students from K to 12.

I am a strong believer in education and the opportunities it affords to allow individuals to reach their maximum potential. Even though over seven billion people from a diverse range of cultures and economic structures inhabit the planet, the world is becoming an increasingly small place. We have all witnessed the financial, economic and now political upheaval currently being played out in Europe. Events that happen on the

other side of the world have an effect on how we live in Australia. It is important that our future leaders of industry, science, government, commerce, technology and other fields are well grounded about the world outside Australia. It was great to be able to add my support to the occasion, the school and the students. I wish them well in the future. It is a fantastic program and a great school, and I commend them to the House.

### REMEMBRANCE DAY

**Mr CHRIS PATTERSON** (Camden) [6.48 p.m.]: I stand in this great place and acknowledge and remember those who have paid the ultimate sacrifice for this great country in which we live. Tomorrow at the eleventh hour of the eleventh day of the eleventh month we will observe a minute's silence to remember those who have died for Australia in wars and conflicts. We will pay our respects and reflect on the loss and suffering caused by war. Remembrance Day, originally referred to as Armistice Day, marks the anniversary of the official end of World War I on that date in 1918. The armistice involved the immediate cessation of warfare and no further negotiations to be made until a peace treaty was signed. At 11.00 a.m. the same day, guns fell silent after four years of hostilities. King George V dedicated November 11 as Armistice Day on 7 November 1919 to remember those who died in World War I with silence at 11.00 a.m. Today all Australian lives lost in wars and conflicts are remembered.

The poppy has become a symbol of Remembrance Day, inspired by the poem *In Flanders Fields* by Lieutenant Colonel John McCrae. The lieutenant colonel observed that, although the towns affected by war in France had been devastated, the fields and forests sprouted poppies everywhere come spring. We will wear poppies to show Australians have not forgotten those who have given their lives for this country. I acknowledge and offer thanks to all RSL branches throughout Australia. They play such an important part in our communities giving support to families who have lost a service man or woman and help and support returned service men and women. I make mention of Ian Richard Evan, President, Camden RSL sub-branch. The tireless effort that Camden RSL sub-branch puts into our community is highly commendable.

I also thank Frank Barsanti, who sadly passed away, Bruce Denison, Andy Wright, Stephen Hunt, Reverend Donald Howard and Ray Herbert for their involvement in the RSL and our community. Another fantastic organisation within our community is the Camden Legacy Widows Club. I look forward each year to its wonderful Christmas lunch at the RSL club and have been honoured to be their guest for the past few years. The wonderful hardworking ladies at the Legacy Widows Club contribute so much to our local area. I make special mention of club president Joan Roberts and office bearers Betty Forbes, Betty Munro and Heather Crosland. The people I have mentioned and all the tireless workers within the Camden RSL sub-branch and the Camden Legacy Widows Club should be applauded. They offer so much to our community.

Australians have never shied away from fighting for what is good and right. Australians have always come to the defence of their allies and friends. Australia has a very proud history of standing up for what it believes in and this has been shown by Australia's willingness to participate in defending our beliefs, principles and sovereignty in conflicts from the Sudanese War to the current war on terror in Afghanistan, and Australia's involvement in many peacekeeping efforts. This great country that we live in today, the freedoms and liberties we take for granted, the ability to come and go as we please and the democracy that we enjoy daily have been built and forged on the backs of those men and women who have served this country so gallantly in times of war and who continue to serve this country today. I remember at an Anzac Day service in Camden one year the guest speaker, a representative of the Armed Forces, saying, "I ask that you stand behind our Armed Forces. If you can't, stand in front. But never ever stand against." I cite with the utmost respect:

*They shall grow not old,  
As we that are left grow old,  
Age shall not weary them,  
Nor the years condemn.  
At the going down of the sun,  
And in the morning  
We will remember them.  
Lest we forget.*

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [6.53 p.m.]: On behalf of the Government I support the contribution of the member for Camden. Remembrance Day is one of the most important and iconic days on which we celebrate and remember those who put so much into the defence of our nation and are responsible for the shape that our nation has taken. Remembrance Day is a special and solemn day. I am pleased that this Parliament will recognise that tomorrow when, for the first time for some time, it will adjourn to pay

due respect to this occasion. It is a sobering experience each year when our community reflects on the day. I also offer my congratulations to those members of the Camden community referred to by the member on their ongoing support of this very special day.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! I am sure all members of the House echo the sentiments of the member for Dubbo.

### **GOULBURN BASE HOSPITAL**

**Ms PRU GOWARD** (Goulburn—Minister for Family and Community Services, and Minister for Women) [6.54 p.m.]: I refer to Goulburn Base Hospital and the New South Wales Government's commitment to delivering health services to rural and regional New South Wales. Goulburn Base Hospital, designed by that very prominent local architect, E. C. Manfred in 1886—he designed half the city—is one of the many historic and beautiful buildings in our town. Other such historic and stately buildings include the courthouse, the railway station and the post office. They all represent the rich past of this thriving city. The hospital probably sees the most consistent traffic of people and, of course, has not escaped the damage inflicted by everyday use, but, like any senior statesperson, Goulburn Base Hospital has retained its dignity and its immensely vital role in the community.

All buildings, however, despite their apparent solid structure, need to be refurbished from time to time and Goulburn Base Hospital is no exception. Significant works to upgrade the emergency department are almost complete; so too is the relocation of the library, medical imaging and pathology services, and the construction of new treatment rooms, offices, triage and resuscitation bays. Those works were desperately required about 10 years ago but after 16 years of Labor are now being delivered by this Government. The upgrade will be welcome news not only to the local community but also to the team of hardworking and dedicated hospital staff, led so ably by its general manager, the wonderful Kerry Hort. The good news does not stop there.

The Government is also contributing \$1 million in new funding to upgrade Goulburn Base Hospital's power supply, a vital upgrade again shamefully ignored by the previous Government. One hears terrifying tales of managing an inadequate power system by switching off appliances to allow others to be used during surgery, for example, which could have resulted in tragedy. It was clearly only good management that carried the hospital through without mishap. Fixing the power supply will allow a significant upgrade of the theatre suite to go ahead—extremely good news for surgeons Tom Little, Andrew Leicester and Nick Hartnell, not to mention the doctors and the wonderful nursing staff who have endured cramped and old-fashioned working conditions.

An upgrade to the power supply is also needed for a number of other service improvements including the installation of a computerised tomography scanner that has been sitting in the wings at the hospital awaiting an efficient and reliable power supply before it could be installed. Three additional emergency department bays and a 20-bed rehabilitation unit can also proceed in coming years thanks to the power supply upgrade. Goulburn Base Hospital offers outstanding care that is delivered by talented specialists, doctors, nurses and ancillary staff, including theatre nurses Karen Bennett, Vanessa Chapman and Beryl Skinner, theatre nurse manager Debbie Hay and anaesthetist Dr Ade Jolayemi. They have endured decaying and inadequate facilities because they are dedicated professionals determined always to get on with the job. They will, I know, be grateful for the vital injection of funds.

Goulburn Base Hospital is part of the Southern New South Wales Local Health District. Dr Maxwell Alexander, chief executive of our district, is passionate about Goulburn Base Hospital, and I am grateful for his knowledge and support of the facility. Indeed, I would venture to say that the upgrade only came about because we have begun to divide our huge area health services into more localised networks where people know each other, know their hospitals, know their facilities, know who to talk to and appreciate the significance of the facilities to the local community. There is no risk of Goulburn Base Hospital being lost anymore in an enormous area health network with overstretched executives trying to manage far too much.

This upgrade is a tribute to the foresight of the Minister for Health, Jillian Skinner, and the changes that we have championed from Opposition benches to area health administration. I know that Goulburn residents will welcome the hospital upgrade. They are fiercely and rightly proud of their community and they value local services. The New South Wales Government is committed to supporting regional hospitals and Goulburn residents can now be assured of safe, modern facilities in their own home town, not somewhere in Canberra or on the outskirts of Sydney.

## PARKES COMMUNITY

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [6.58 p.m.]: I am proud to represent the Parkes community, which is in the centre of the Dubbo electorate along the Newell Highway. I have mentioned a number of times in this Chamber the iconic nature of the dish which is located at Parkes and the significant contribution that the Parkes community makes in the area of transport. Parkes also contributes to this State's economic recovery.

The purpose of my contribution this evening is to inform the House that the Parkes community is one of the most outstanding in this State. On a recent sunny and hot October weekend I dusted off my football boots and joined one of 28 teams and over 400 competitors to take part in the highly anticipated GP—general practitioners—Cup. The GP Cup raises funds for the GP Working Group. This group implements activities and procedures to attract and retain doctors in the Parkes shire. The event showcases perfectly why Parkes is a very special place. Accommodating and attracting general practitioners to regional New South Wales is a significant challenge this country faces.

The success of this event over the past three years can be attributed directly to the support and generosity of the Parkes community, which has contributed at this juncture over \$90,000 in donations from a population of around 15,000 people—quite extraordinary. The donations were instrumental in the successful recruitment of a new doctor to the town. In 2010 the Parkes community welcomed Dr Thet, who has procedural skills in anaesthetics and obstetrics. He currently works from the Clarinda Street Surgery in Parkes and services the Parkes District Hospital. After being auctioned off on Saturday 22 October, I joined the East Parkes Primary School team known as the East Parkes Pirates. I was dressed as a pirate as I participated in multiple games of soccer, netball and touch football. I was welcomed immediately as part of the team by the wonderful teachers and support staff from the East Parkes Primary School. I thank them for this kind gesture, which reflected the nature of the GP Cup and the Parkes community spirit.

Parkes cannot claim a long list of national sporting heroes or icons, but it is a sports-mad community whose profile has been raised through its significant reputation for staging major sporting events. For example, it might surprise some members to learn that every rugby league playing nation in the world has played matches in Parkes. These matches were headed by the initial World Cup league matches between Australia and France in June 1990 on a bitterly cold and wet winter's night. This game gained Parkes folklore status around the league world. South Africa played cricket in Parkes in 1964, Fiji in 1966 and England in 1971, all at Woodward Park. Glen McGrath, the famous boy from Narromine of whom we are enormously proud, was discovered in a Toohey's Cup night game between Parkes and Dubbo.

World hockey champions Pakistan beat Parkes 16-1 and other hockey games have been hosted against New Zealand and Japan. No doubt Parkes is considered a stronghold of New South Wales hockey, and the stars who emerge from the area are too many to list. Parkes has hosted many State and national titles, and currently is in the process of having the playing surface upgraded with synthetic turf with my assistance. The Sydney Olympic torch relay was a significant celebration in Parkes. The Sydney Organising Committee for the Olympic Games rated the Parkes Olympic journey as one of the best. I commend the Parkes community for its ongoing contribution to local, State and national sport. I do not believe any community could hold such successful events without the capacity of the Parkes people. I am enormously proud to represent the Parkes community. Many people quickly became dear friends. I look forward to being their local member and taking part in next year's special community event.

## TRIBUTE TO YVONNE GILCHRIST

**Mr DARYL MAGUIRE** (Wagga Wagga) [7.02 p.m.]: I bring to the attention of members the passing of Yvonne Gilchrist, a respected Aboriginal Elder. On 4 November I attended Yvonne's funeral to pay my respects. Yvonne was born in Euabalong on 30 May 1930. She was one of 12 children—six sisters and five brothers. Her father Frank "Boxer" Vincent was born under a gum tree in 1883 and said he would never leave Euabalong—he never did. Her mother, Sophia Gibson, was born in Yass in 1900. During this time Aboriginal children were not allowed in the white schools, so at the age of 12 Sophia went to work for a shop owner and his family at Condobolin. After six years she gained employment as a cook on a grazing property in Euabalong, was courted by Frank and married him in 1921.

During the Depression life was difficult but Frank and Sophie worked hard to provide for their family. Sophie was an excellent cook, seamstress, wood chopper and horsewoman, and was famous for her plum

puddings, which she sold in town. Frank worked on Booberoi station, owned cattle and maintained a fruit and vegetable garden. Yvonne was raised in the family home that was built by Frank and Digger Stoked, made of pine boards with dirt floors, except for the lino in the front room. It was from this home that the family began its journey, which was not always easy. For some years Sophie had to fight for child endowment. Yvonne used to fill out the application forms for her father, who also claimed to be of European heritage, to stop welfare from removing the children from their care.

When Yvonne was 12 her father bought 42 acres on Euabalong Road, which was sometimes called "All Corners" and the "Ranch". It was a place where Aboriginal and white children could mix freely. In Condobolin, a section of the theatre was roped off because Aborigines did not sit near the white section. Yvonne started school at seven and left in year 8 aged almost 16 years. Yvonne was an avid reader for the remainder of her life. When Yvonne was 18 and working at Lake Cargelligo Hospital she met Kevin Gilchrist. Whilst attending a local dance Kevin and Yvonne were attempting the Canadian Three Step when she declared that they could not do it. Kevin replied, "You can do anything." Yvonne told him to do it himself and left Kevin on the dance floor. Kevin persisted, pursuing Yvonne when she transferred to Orange, Boorowa and Goulburn hospitals, and eventually to Sydney where they married in 1952. Yvonne then spent the next 17 years raising her nine children.

In 1961 Yvonne felt compelled to move her children back to Euabalong, but was forced to return to Sydney to make ends meet. She took a position at Prince Alfred Hospital and stayed for 13 years. In 1981 Yvonne moved to Wagga Wagga where her son and sister lived. Kevin soon followed but struggled with his health and passed away aged 55. Yvonne fractured her ankle, which severely limited her activities for a period, but in 1983 she began a new journey with Aboriginal Education beginning a program called "New Opportunities for Women" at Wagga Wagga TAFE. She studied at Sydney university and graduated with a Diploma of Education. In 1984 Yvonne began attending the local Aboriginal Education Consultative Group and was influenced by the work of Linda Burney, MLA. During this period Yvonne worked for six years with Juvenile Justice and between 1990 and 1997 she worked at Mount Austin High School as an Aboriginal Education Assistant. Her contribution to the school, staff and students was outstanding.

Yvonne's work at Mount Austin High School centred on planning how best to support Aboriginal children in the school. However, she was universally respected for her compassion, guidance and generosity to all students in the school. During a six-week epic adventure in the brightly painted Sorry Bus, Yvonne collected signatures relating to children who were taken from their families. Yvonne's work in local government was of great significance. She tried to encourage some local Aboriginal people to stand for council, but when no-one was forthcoming Yvonne stood for election. In 1999 she was elected and became Wagga Wagga's first Aboriginal city councillor. In 1998 she became a Walk of Honour recipient and a plaque is displayed in Bayliss Street. In 2007 Yvonne returned to TAFE to compile "The old place: reminiscences of Vonnie Gilchrist nee Vincent". It is a powerful and moving story of a wonderful Aboriginal woman. Yvonne May Gilchrist leaves many memories and advice for the younger generation. In her memoirs Yvonne writes:

Sometimes I think Aboriginal kids think they cannot do things but they just haven't got the motivation or confidence to do anything. I've always said, "Walk tall and be proud of who you are. Be proud to be an Aboriginal person."

Vale Yvonne Gilchrist, a wonderful Australian. Our city will miss her enormously.

### KYOGLE COMMUNITY

**Mr THOMAS GEORGE** (Lismore—The Deputy-Speaker) [7.07 p.m.]: I congratulate Kyogle on winning the major award in the Keep Australia Beautiful NSW Tidy Towns Sustainable Awards 2011. Kyogle has a rich history, fertile location and a strong community spirit. Kyogle, which is known as the Gateway to the Rainforests, lies on the banks of the Richmond River at the base of Fairy Mountain in the beautiful Northern Rivers region of New South Wales. With a population of 2,800, the town is the administrative seat of the Kyogle Council. It is located 758 kilometres north of Sydney on the Summerland Way close to the Queensland border. Like most New South Wales communities, Kyogle has diversified over time with cattle grazing, dairy farming and forestry now the primary industries. In recent years Kyogle has increased its emphasis on tourism, drawing heavily on its proximity to the world heritage-listed Gondwana Rainforest reserves in the Border Ranges.

Kyogle provides amenities, and a standard of living and comfort far beyond what one might expect for the size of the town. Public spaces and recreational areas around the town are noted for their commendable cleanliness and maintenance. Care of its extraordinary environment is at the heart of the community. Kyogle

Tidy Towns Committee is active in a range of advocacy issues and its action plans link in with plans developed for the local chamber of commerce, schools and many government and non-government organisations. Kyogle Council also has developed an environmental management plan in consultation with the wider community. Tidy Towns assessor, Greg Howling, stated:

I found community participation in Kyogle to be both wide in its reach, deep in commitment and inspirational in the quality of its vision. Council and youth combine remarkably well with senior residents to ensure an effective mix of energy, vibrancy and efficiency.

Council has actively supported the youth environment committee and its efforts with regard to recycling services. The community also has received excellent support from Envirofund applications, Landcare grants and the catchment management authority. The council has supported the town with grants for environmental work, and community groups have had success in obtaining National Trust and Telstra grants. Last year the Kyogle Tidy Towns Committee developed its own sponsorship grant program. Revenue from the local markets also is put back into the community through an award sponsorship program. Kyogle High School is a leader in school environmental initiatives and networking, and students have designed their own community garden in association with the Tidy Towns committee.

The Kyogle area was home to the Bundjalung people for thousands of years and the district maintains a strong connection with its indigenous heritage. The word "Kyogle" is taken from the local Aboriginal word for plains turkey egg, referring to the scrub turkey. Of course, as we all know, Kyogle is also the home of emeritus Clerk of the Legislative Assembly, Russell Grove. The town was established in the 1930s as a lumber camp, with timber-getters accessing the rich cedar and hoop pine resources of the area. Industry has since diversified to include beef and dairy production. The town has maintained the character of its main street, and hidden behind beautiful art deco facades there is a plethora of shops, cafes, galleries and hotels offering the visitor a uniquely Australian experience. Kyogle has been devastated by floods and the Norply plywood factory was burnt down only a few years ago. Hurford Hardwood has built a new mill on the site of the old Norply factory. Kyogle also is the home of the Brown and Hurley Group, which is renowned for its Kenworth dealerships throughout Eastern Australia.

The beauty of the town is matched only by the natural beauty of the landscape. The Tidy Towns committee is led by Ian Judd, who is supported by Joan Haymen, Ann Reardon, Dianne Betts, Vivienne Sigley, Maureen Pederson, Robert Dwyer, Grace Dwyer, Jean Warburton and Judith Overgaard. I congratulate them on behalf of the electorate and the people of Kyogle. They have certainly put Kyogle on the map. Minister Robyn Parker had the honour of presenting the award to the committee last Saturday night in Lithgow. Of course, as winner of this year's award, Kyogle will host the awards next year on the first Saturday in November. My office has already been contacted to ensure that I will be there, which is an indication of the committee's enthusiasm. They will show what Kyogle is all about over the next 12 months.

#### **TRIBUTE TO MATTHEW RYAN**

**Mr CHRIS HOLSTEIN** (Gosford) [7.12 p.m.]: I pay tribute to a young athlete who has done the Central Coast proud with his stellar performances on the playing field last season and his outstanding start to this season. Young Matthew Ryan is a 19-year-old lad from western Sydney who was born in Plumpton and played his junior football for Blacktown City. He was drafted into the Central Coast Mariners national youth league squad as a 17-year-old in 2009. After earning a senior contract for three years in 2010, the first choice keeper suffered a season-ending injury and this young talented goalkeeper was given an opportunity to make his debut in the Hyundai A league in season six. He certainly grabbed that opportunity with both hands—literally. He played 31 games last season and had 14 clean sheets. He developed into a confident shot-stopper as the season progressed. He is a prodigy of the Mariners goal-keeping coach, John Crawley, who must share some of the limelight because he helped to nurture this raw talent into a polished performer.

After a brilliant season, Matthew attended the Australian football awards night held on 4 October at the Sheraton on the Park in Sydney and was named Football Federation Australia's under-20 footballer of the year. The 19-year-old was presented with the award in front of a gathering of some of the biggest names in the Australian football fraternity. Matthew enjoyed a stunning debut season in the A league. The calm, confident, and yet commanding shot-stopper produced a string of dazzling displays throughout his first campaign in Australia's top competition. He kept his best display for the final in Brisbane and although the Central Coast Mariners lost that game, he produced such a brilliant display that he was rewarded with the Joe Marston Medal for the best player in the 2010-11 Hyundai A league grand final. He has been described as a goalkeeper of real quality, and that is a formidable accolade given that it came from the current Qantas Socceroos captain, Lucas Neill.

Young Matthew Ryan was in line for a place in the Qantas Young Socceroos squad for the 2011 FIFA under-20 World Cup held in Columbia but, unfortunately, a knee injury cruelled his chances. However, he is fit again and is producing his best this season. I congratulate him and the Central Coast Mariners on his achievement in winning both these prestigious awards. As I said, he has gone from a season-ending injury to being the top goalkeeper. He stepped up to the mark and was outstanding in picking up two major awards. Matt Ryan no doubt will continue to do his best and the Central Coast proud.

**ACTING-SPEAKER (Ms Sonia Horner):** I remind the member for Gosford that the Jets are coming second in the A league at the moment. I watched them play a stunning game against Perth Glory last Saturday. I look forward to the match with the Central Coast Mariners. We will see who is victorious.

### **ST GEORGE HOSPITAL PROSTATE CANCER INSTITUTE**

**Mr JOHN FLOWERS (Rockdale)** [7.17 p.m.]: Recently I had the privilege of joining the Minister for Health and Minister for Medical Research, the Hon. Jillian Skinner, and the member for Oatley, Mark Coure, at the opening of stage two of the St George Hospital Prostate Cancer Institute. As the Minister has said, one in nine men is affected by prostate cancer. Not only is that a sad statistic but, unfortunately, it touches also the lives of many more people, including their family and friends. The number of men referred to the cancer centre at St George Hospital has almost doubled in the past 10 years. Every year, 250 new patients are referred to the centre. It is imperative that they receive state-of-the-art treatment. While St George Hospital may not fall within the boundaries of the Rockdale electorate, nonetheless it is our local hospital.

I am proud to speak of the benefits of the new brachytherapy suite for prostate cancer sufferers. This facility will ensure that prostate cancer patients from St George, the Sutherland shire and the entire Sydney region and beyond will receive world-class treatment. The second stage of construction includes a brachytherapy operating suite, a computerised tomography [CT] scan room and additional offices. This facility is truly an accomplishment and one of which the people involved should be extremely proud. In particular, Chairman of the Prostate Cancer Institute Fundraising Committee, John Green, led the efforts to raise more than \$2.28 million towards the new building. The New South Wales Government contributed \$860,000 for equipment to fit out the new treatment areas. The St George community deserves recognition for their fundraising efforts. Their passion and commitment ensured that this idea became a reality. At the opening of the second stage of the Prostate Cancer Institute, radiation oncologist Dr Joseph Bucci explained the process of brachytherapy in great detail.

Brachytherapy is a high-tech and localised treatment that places radioactive seeds inside or in close proximity to the tumour. It provides a high dosage of radiation to the tumour while reducing damage to the surrounding healthy tissue. This technology will greatly assist prostate cancer patients in the Rockdale electorate. The Minister for Health, and Medical Research said on the day that the Prostate Cancer Institute will offer a comprehensive and sophisticated range of treatment options. As a result the institute has the potential to make Sydney a leader in prostate cancer care. I am pleased that on 11 October the *St George and Sutherland Shire Leader* reported that the centre has conducted more than 600 procedures since its opening on 17 August. I am delighted that this wonderful project has become a reality. It will greatly benefit prostate cancer sufferers in my electorate and across Sydney.

**Private members statements concluded.**

**The House adjourned pursuant to standing and sessional orders at 7.22 p.m. until  
Friday 11 November 2011 at 10.00 a.m.**

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