

# LEGISLATIVE ASSEMBLY

Wednesday 23 November 2011

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

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

## QUAKERS HILL NURSING HOME FIRE

**The SPEAKER:** This morning I wish to acknowledge the very real pain and suffering of the residents of the Quakers Hill Nursing Home, nine of whom have passed away following a fire at that facility. On behalf of the House I extend to the families the deep sympathy of the Legislative Assembly for their loss. I also extend the thoughts and wishes of the House to the other residents and their families, in particular the 22 residents who remain in hospital.

This morning the Quakers Hill Anglican Church is holding a memorial service for those who lost their life in that tragic incident. The member for Riverstone and the member for Londonderry, together with the Premier, the Minister for Ageing and the Leader of the Opposition, are absent from the House attending that service.

*Members and officers of the House stood in their places as a mark of respect.*

## AUDITOR-GENERAL'S REPORT

**The Clerk** announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the report of the Auditor-General for 2011, volume seven, received 23 November 2011.

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

### Agreement in Principle

**Mr MIKE BAIRD** (Manly—Treasurer) [10.04 a.m.]: I move:

That this bill be now agreed to in principle.

This bill was introduced in the other place on 11 October 2011 and it has been received in this House in the same form. I advise members that the second reading speech relating to the bill appears in *Hansard* for that day at pages 5879 to 5882. I commend the bill to the House.

**Mrs BARBARA PERRY** (Auburn) [10.05 a.m.]: The Industrial Relations Amendment (Non-operative Awards) Bill 2011 is an amendment to the Industrial Relations Act 1996 to enable the Industrial Relations Commission to rescind awards that have no current application to any employer or employees, and to provide that all awards declared to be non-operative awards under the Act are taken to be rescinded by the commission. The bill also enables transitional regulations to be made as a consequence of the proposed Act. Further, it requires the commission to review and keep a register of such awards. I note that these awards no longer have any application to any employer or employee.

Members will remember that under the former Government, through legislation passed by both the Commonwealth and New South Wales Parliaments in December 2009, this State joined the national industrial relations system on 1 January 2010. This meant that a national workplace relations system was established for the private sector. As a consequence, most private sector employers and employees were removed from the New South Wales jurisdiction. Only awards that applied to the public sector and local government employees, as well as workers pursuant to schedule 1 of the Industrial Relations Act, continued to have application in the New South Wales industrial relations jurisdiction.

In 2010 the former Government amended the Industrial Relations Act 1996 to ensure that private sector awards in the New South Wales system were not rescinded and a new category of awards known as

non-operative awards were created. This was done for a number of reasons. Firstly, these awards were used as benchmarks in the Australian system. Secondly, the ongoing role of New South Wales awards needed to be considered in a wider ranging review of the New South Wales Industrial Relations Act. I am pleased that the bill requires the commission to review and keep a register of these awards so that they will continue to play a role in benchmarking if required. I am not supportive of many things that this Government has chosen to undertake in relation to industrial relations in this State—I note in particular its kneecapping of the Industrial Relations Commission. However, this is a sensible bill and the Opposition will not oppose it.

**Dr GEOFF LEE** (Parramatta) [10.07 a.m.]: It gives me pleasure to support the Industrial Relations Amendment (Non-operative Awards) Bill 2011, the objects of which are to amend the Industrial Relations Act 1996 to enable the Industrial Relations Commission to rescind awards that have no current application to any employer or any employee, and to provide that all awards declared to be non-operative awards under the Act are taken to have been rescinded by the commission. The bill is another indication of how the Liberal-Nationals Government is getting on with the task of making New South Wales number one again. It is all about the importance of enterprise and how this Government has, according to Commonwealth Securities figures, enabled New South Wales to move from eighth to first position among the States with regard to productivity and economic growth. That is an objective of our Government.

Enterprise is important for so many people in New South Wales because it employs people. Governments do not employ people; enterprise does. Enterprise creates jobs and rewards those who invest their hard work, energy, savings and resources. It provides jobs to enable people to pay their mortgages and household bills, fund lifestyle choices, pay for holidays, look after their children and invest in superannuation for their future. Trying to achieve full employment is an objective of this Government. Importantly, the bill will allow businesses to get on with the job they do best; to do this the Government will provide a framework in which they can prosper and grow. As the local member I talk to many business groups in the Parramatta electorate. Last Monday, for instance, I spoke to many local business owners at a Lions Club luncheon at which they asked how the Liberal-Nationals Government proposed to assist small businesses that were finding it tough.

They also asked how the Government proposed to provide impetus to improve the economy. I told them about the framework within which businesses will be able to operate, to make profits, to employ people and to provide reward for those who take the risks. This is a commonsense bill. It will remove awards that no longer apply to specific employees and employers. I note the support given to the bill by the member for Auburn. Deep down—whether they express it privately or publicly—members opposite know that legislation introduced by the O'Farrell Government makes sense, and the Government hopes the Opposition will continue to support our efforts. The member for Keira, who is sitting opposite, is nodding with excitement in agreement. The Government looks forward to his continued support for all of its initiatives.

The bill will rescind any State awards that have been identified by the Industrial Relations Commission as no longer having any application to an employer or employee. The O'Farrell Government considers it to be in the best interest of businesses and employees in New South Wales to support the national framework for Federal control of many of our private sector awards. This will result in less confusion in business regulation and it will help small businesses to better understand the framework. The bill does not apply to public sector and local government employers and employees, or to workers deemed to be employees pursuant to schedule 1 of the Industrial Relations Act, because there will continue to be a practical application in New South Wales industrial relations jurisdictions.

Non-operative awards are New South Wales Government awards that have been identified after extensive consultation with peak body organisations, employers, employees and unions as having no application to any employees or employers. How will that benefit New South Wales employees or employers? New South Wales is overburdened with red tape and regulation. More than 1,200 pieces of legislation control enterprise in this State, whereas in Tasmania fewer than 700 pieces of legislation control enterprise. The O'Farrell Government is committed to the one on, two off rule—that is, for every regulation introduced, two regulations will be removed.

The Government's aim is to reduce regulation by at least 20 per cent over the next four years, and businesses around the State have indicated support for that objective. What benefit will that provide to employers and employees? Legislation that is outdated and has no practical application should be rescinded. The national framework, which relates to salaries and conditions for those employed under Federal awards, will provide much-needed protection for employers and employees at a national level. Do non-operative awards play

a role in New South Wales public or local government sectors? As I said earlier, the public and local government sectors are regulated by specific State awards and will not be affected by these processes—legislation relating to those sectors has been introduced into this place already.

Rescinding non-operative awards will result in reduced regulation, and that will enable the Industrial Relations Commission to get on with its job. When this legislation was debated in the other place the Hon. Greg Pearce spoke about the efficiencies to be gained from regulatory review. Non-operative awards have to be reviewed periodically, and this necessitates a union lawyer going through each award, line by line, sentence by sentence, wasting the time of the Industrial Relations Commission and the parties, to vet and comment on provisions that have no influence on anyone. The Government is addressing that bizarre situation. The Government has engaged in a consultation process with all industrial parties, led by the Industrial Relations Commission, and the employers, employees and peak bodies all agree that this is good legislation.

The introduction of the bill is an expression of the Government's uniform confidence in the Federal national system, and it is hoped that the Federal awards will work as promised. The Liberal Party and The Nationals support the decision of the New South Wales Government to refer its industrial relations powers to the Commonwealth. This will result in a truly national industrial relations system that will overcome State barriers. The Treasurer is concerned about the economic impact to this State, but because of his fantastic fiscal management skills—for which we can all be grateful—New South Wales will be number one again. The Treasurer is even handed and clear thinking, and has considered all the options. I look forward to the State's continued economic growth over the next three and a half years.

**Mr ANDREW CORNWELL** (Charlestown) [10.19 a.m.]: I am pleased to support the Industrial Relations Amendment (Non-operative Awards) Bill 2011, which ensures that New South Wales private sector State awards that no longer apply to any employer or employee are rescinded. The New South Wales Government is committed to making New South Wales number one again. By removing superfluous regulation this bill will continue the O'Farrell Government's commitment to ease the regulatory burden on small business. In January 2010 the former Labor Government sensibly referred its industrial relations powers to the Commonwealth, establishing a national workplace relations system for the private sector.

The Coalition, which was then in opposition, supported that action as it was in the best interests of businesses and employees in New South Wales. The New South Wales Liberals and Nationals were supportive of the referral at the time; and the Government continues to support a national system that operates across State borders to ensure that all private sector workplaces are covered by the same rules and that the system is fair both to employers and employees. The referral meant that only those awards that apply to public sector and local government employers and employees, as well as workers deemed to be employees pursuant to schedule 1 of the Industrial Relations Act, continued to have practical application in the New South Wales industrial relations jurisdiction.

An element of the Industrial Relations Amendment (Non-operative Awards) Act 2010 required the Industrial Relations Commission to determine whether or not an award had any current application to any employer or employee. This task was to be completed during the three-yearly review of awards, which is required to be undertaken under section 19 of the Industrial Relations Act. This meant that these awards would go before the Industrial Relations Commission and that submissions, affidavits and evidence would be put to the commission to show that the number of employees and employers covered by an award was zero. What a waste of the commission's time and resources. What a waste of money.

The amending Act provided the commission with the power to declare an award non-operative if the commission was satisfied that an award did not have any current application to any employer or employee. This gave power to the commission to declare that no-one was covered by an award that covered no-one. It sounds like something out of *Catch-22* or Franz Kafka's *The Trial*. It was entrenching bureaucratic madness. I note the member for Keira is listening intently and, rather than my making literary references that might have gone over his head, an analogy he might understand is the Steinlager advertisement—who judges the judges that judge Steinlager to be the best beer in the world?

The Act required the commission to update non-operative awards following any national decision or the making of a State decision. So the union barrister would refer the Industrial Relations Commission judge to the filed documents that showed that the award covered no employers and employees and would ask the judge to declare that the award that covered no-one covered no-one. The judge would make an order that the award covered no-one because it covered no-one. What a waste of public funds and what a waste of the funds of

hardworking union members. The Industrial Relations Commission judge, having declared that the award was non-operative because it covered no-one, would ask the union barrister how the award should be updated. The barrister would then file a pile of paperwork. The barrister would then pore over the award that applied to no-one, identifying paragraphs that needed to be updated as a result of a State or Federal award.

The outcome was that the Industrial Relations Commission would declare the award that applied to no-one was non-operative because it applied to no-one, but then would have to make an order to amend the award in accordance with submissions put by the union barrister. Before the 2010 non-operative award amendments the purpose of a review was to "modernise awards, to consolidate awards relating to the same industry and to rescind obsolete awards" at least once in every three years. That was the system before Labor changed it. The previous system made sense: update awards but rescind them if they are no longer applicable. Thanks to the Labor Government amendments, the commission could not rescind awards that no longer had any use. That is crazy. According to the previous Labor Government, this was done because the redundant awards continued to be useful in so-called benchmarking.

In February this year the commission commenced proceedings pursuant to the new instructions under section 19 of the Act. The commission now has made orders declaring the extensive list of awards that cover no-one as non-operative. The commission was given the power to declare that the awards were non-operative rather than to rescind and terminate them. The bill is intended to reverse the effects of the earlier Industrial Relations Amendment (Non-operative Awards) Act 2010 and fully restore the powers of the New South Wales Industrial Relations Commission to rescind awards that have no application.

The bill removes the definition in the dictionary in schedule 4 to the Act, which is that a non-operative award is an award that is declared to be an award that does not have any current application to any employer or employee. The bill then removes the requirement of the commission to determine whether an award is non-operative during a section 19 review of awards or in connection with the consolidation of awards under section 20 of the Act. The 2010 non-operative awards amendment Act also inserted a new section 20A into the Act to provide the commission with a broad power to declare an award to be non-operative. Under the bill, this provision will be omitted. This will see the removal of the current requirement under section 20A for the Industrial Registrar to keep a register and publish a copy of the register of non-operative awards on the industrial relations website.

The bill also removes the requirement under section 52 for the commission to vary non-operative awards to give effect to any flow-on of a national decision or when making a State decision. The amendments will omit any reference to non-operative awards in the Industrial Relations Act and in doing so restore the Act to the wording it contained prior to the Industrial Relations Amendment (Non-operative Awards) Act 2010. The bill also contains transitional arrangements to provide that all awards already declared non-operative by the commission are to be rescinded from the commencement of the Act, thus ensuring that awards with no application are not needlessly preserved. These are very sensible amendments and I commend the bill to the House.

**Mr ANDREW GEE** (Orange) [10.26 a.m.]: I support the Industrial Relations Amendment (Non-operative Awards) Bill 2011. As the member for Charlestown has rightly pointed out, this commonsense bill will facilitate the more efficient operation of the Industrial Relations Commission. The bill has two objects: firstly, it enables the Industrial Relations Commission to rescind awards that have no current application to any employer or employee; and, secondly, it provides that all awards declared to be non-operative under the Act are taken to have been rescinded by the commission. The bill has come about because the establishment of the national workplace relations system has meant that the vast majority of New South Wales private sector State awards no longer apply to any employer or employee.

In November 2010 the Industrial Relations Amendment (Non-operative Awards) Act 2010 amended the Industrial Relations Act to provide the commission with the power to declare an award non-operative if it has no current application to any employer or employee. If an award is declared non-operative it cannot be rescinded. The commission is required to update non-operative awards to give effect to any flow-on of a national decision or a State decision. As a result of recent award review proceedings conducted under section 19 of the Industrial Relations Act a number of private sector State awards have been declared non-operative. Prior to the 2010 amendments an award that did not have any application would have been regarded as obsolete and could have been rescinded by the commission. There appears to be no good reason to keep alive redundant awards. As the member for Charlestown pointed out, keeping the awards alive creates confusion and more red tape in the operation of the Industrial Relations Commission.

The bill makes amendments to a number of sections of the Industrial Relations Act by omitting any reference to non-operative awards and restores the power of the commission to rescind an obsolete award. The amendments cover four broad areas. They remove the power of the commission to declare an award non-operative; remove the requirement for the Industrial Registrar to keep a register of non-operative awards and a copy of it to be published on the Industrial Relations website; remove the requirement for the commission to vary non-operative awards to give effect to any flow-on of a national or State decision; and restore the power of the commission to rescind an obsolete award. This bill is another example of how this energetic Government is cutting through red tape and facilitating the efficient administration of industrial relations and, indeed, the legal system in New South Wales. Unfortunately, due to his relationship with the previous Government, the member for Keira knows a lot about red tape and inefficiencies. However, there is a new team on the block and we are here to clean up New South Wales. I commend this worthwhile bill to the House.

**Mr GLENN BROOKES** (East Hills) [10.30 a.m.]: New South Wales has the oldest industrial relations system in the country and it administers the greatest number of awards. I do not need to spend a lot of time speaking about the Industrial Relations Amendment (Non-operative Awards) Bill 2011 because the bill is overdue and simply needs to be passed in order to restore sanity to the industrial relations system in New South Wales. That sanity needs to be restored for the sake of all those businesses that already struggle with piles of red tape. New South Wales needs this bill because having hundreds of useless, unused awards hanging around is simply choking up the system

The notions put forward by this bill make sense and reverse the nonsense thrust upon this State by the former Labor Government. We do not need an Act that requires the commission to update non-operative awards. We do not need the commission's time wasted by having to listen to useless arguments about awards that apply to no-one. This bill is not an attack on the Industrial Relations Commission or the awards structure in New South Wales. This bill simply fixes a mistake and allows for non-operative awards that apply to no-one to be dumped. I thank the Minister for introducing this bill, and I commend the bill to the House.

**Mr CHRIS PATTERSON** (Camden) [10.32 a.m.]: I support the Industrial Relations Amendment (Non-operative Awards) Bill 2011, which seeks to ensure that New South Wales private sector State awards that no longer have any application to any employer or employees are rescinded. The Industrial Relations Act 1996 will be amended to restore the power of the Industrial Relations Commission of New South Wales to rescind awards that do not have any current application to any employer or employee and provide that any award that has already been declared non-operative by the commission is rescinded. In 2010 industrial relations powers were, surprisingly, because it was sensible, referred to the Commonwealth by the former Labor Government, establishing a national workplace relations system for the private sector.

The Liberal-Nationals were supportive of the referral and the Government continues to support a national system that operates across State borders to ensure that all private sector workplaces are covered by the same rules and that the system is fair to both employers and employees. The Government continues to support business growth and development, but the time of the Industrial Relations Commission and taxpayer-funded resources is being wasted by a requirement in the Industrial Relations Amendment (Non-operative Awards) Act 2010 for the commission to determine whether or not an award had any current application to any employer or employee.

It was a futile exercise for the judge at the Industrial Relations Commission to complete the task of accepting evidence during the three-yearly review of awards, to show the number of employees and employers covered by the award and to discover that it was zero. The judge would then have to ask why the number was zero. What a waste of time to achieve nothing. This is exactly the kind of waste and mismanagement that was allowed to continue for so long in the past, and it is exactly what the Liberal- Nationals Coalition Government will not allow to continue in the future. Obsolete does not sit well with this Government. There is no good reason to keep redundant awards alive. Preserving these awards is a waste of the resources of the commission and the State and will only confuse employers and employees who were previously covered by a State award and who are now covered by a modern award in a national system.

These amendments will remove the power of the commission to declare an award to be non-operative, remove the requirement for the Industrial Registrar to keep a register of non-operative awards and a copy of it to be published on the industrial relations website. The amendments will remove the requirement for the commission to vary non-operative awards to give effect to any flow-on of a national or State decision, and they will restore the power of the commission to rescind an obsolete award. I will now answer some questions that may arise regarding these amendments. They are as follows. What are non-operative awards? Non-operative

awards are New South Wales State awards that have no application to any employers or employees. These awards have been identified by means of extensive consultation with the parties and formally declared as non-operative by the Industrial Relations Commission.

Do non-operative awards provide any benefit to New South Wales employers or employees? Non-operative awards are all private sector awards, so all the employers and employees formerly subject to them are now in the national industrial relations system. Consequently, pay and conditions in these workplaces are regulated by Federal modern awards and/or enterprise agreements. Therefore, non-operative awards play no active role for these employers and employees. It was originally thought that non-operative awards may play some ongoing benchmark role in the New South Wales industrial relations system. However, over the 22 months since the referral of powers, this role has proved to be limited or non-existent.

The question of whether non-operative awards play any role in the New South Wales public sector or the local government sector has been well answered by previous speakers, as has the question of what will happen if non-operative awards are rescinded. Again, that was covered admirably by previous speakers. Clearly, this bill is a good housekeeping measure and a common-sense approach to government. I commend the Treasurer and the Minister for Finance and Services in the upper House for introducing this bill. It is simply another way that the Government is cutting red tape and bureaucracy and moving forward with a common-sense, proactive approach to business. I commend the bill to the House.

**ACTING-SPEAKER (Ms Sonia Hornery):** Order! I think the member for Camden's moustache is unparliamentary.

**Mr CHRIS PATTERSON:** If that goes on the record I will gladly go and shave.

**Mr JAI ROWELL (Wollondilly)** [10.38 a.m.]: The objects of the Industrial Relations Amendment (Non-operative Awards) Bill 2011 are to amend the Industrial Relations Act 1996 to enable the Industrial Relations Commission to rescind awards that have no current application to any employer or employee and to provide that all awards declared to be non-operative awards under the Act are taken to have been rescinded by the commission. This is a clear example of the Liberal-Nationals Government getting on with the job. The former Government hampered business in the creation of much-needed jobs. Businesses in New South Wales were held under by red tape by those opposite and those in Canberra. New South Wales has more than 1,200 regulations compared to 700 in other States. If you kill small business, you kill job creation, State growth and prosperity, and you ensure that communities like those in Wollondilly receive less. This is something the people of Wollondilly understand as they have suffered under the policies of those opposite for too long.

For 16 years, small businesses in my community have struggled to succeed under a former Labor Government which saw them as unimportant. Across Wollondilly today one sees dozens of empty shopfronts. This means a reduction in the growth of the local economy and the loss of jobs. Over 70 per cent of people in my electorate travel outside of it every day to go to work. In a large electorate such as Wollondilly, this means significantly more travel time for workers who can travel up to four or five hours each day on top of the normal working day. This results in less time spent with family and more cost involved in travel. On top of the Federal Labor Government's carbon tax, families in my electorate are almost at breaking point. That is why the Government is committed to cutting red tape in order to create much-needed jobs.

The bill before us today amends the Industrial Relations Act to restore the power of the Industrial Relations Commission of New South Wales to rescind awards that do not have any current application to employers or employees and provides that any award that has already been declared non-operative by the commission is rescinded. Non-operative awards and New South Wales State awards have no application to any employers or employees. These awards have been identified by means of extensive consultation with the parties and formally declared as non-operative by the Industrial Relations Commission of New South Wales.

Non-operative awards are all private sector awards, so all of the employers and employees formerly subject to them are now in the national industrial relations system. Consequently, pay and conditions in these workplaces are regulated by Federal and modern awards and/or enterprise agreements. Non-operative awards therefore play no active role for these employers or employees. It was originally thought that non-operative awards may play some ongoing benchmark role in the New South Wales industrial relations system, however, over the 22 months since referral of the powers, this role has proved to be limited or non-existent.

Industrial relations in the public and local government sectors is regulated by specific awards and agreements. Those awards were clearly identified by the industrial parties in the same process that identified

non-operative awards. These awards have ongoing status and have no relationship with non-operative awards. The bill provides for the rescission of all non-operative awards. These awards have no practical application. This will have no effect on any of the industrial parties. The parties who were formerly covered by these State awards now operate in the national industrial relations system for the private sector and are covered by modern awards. Importantly, the rescission of non-operative State awards will remove a source of potential confusion for private sector employers and employees, making it clear that the national system is the sole source of their mutual rights and obligations.

These amendments will make the New South Wales industrial relations system simpler and more streamlined and rid it of unnecessary baggage. The removal of non-operative awards makes common sense and I note that the Labor Opposition does not oppose it. The previous Labor Government could have fixed this but was focused on attempting to take jobs from one another, rather than on creating jobs for the people of New South Wales. The amendments before us today make sense, provide for a system that is clear and fix the mistakes that Labor should have fixed. I commend the Treasurer and the Minister for Finance and Services, and the Minister for the Illawarra on their hard work. I commend the bill to the House.

**Mr MIKE BAIRD** (Manly—Treasurer) [10.44 a.m.], in reply: I thank members for their contributions to the Industrial Relations Amendment (Non-operative Awards) Bill 2011. I commend the Opposition for its support of this sensible bill which, as outlined in the debate, is simply a commonsense measure being undertaken by the O'Farrell Government. The bill ensures that private sector State awards that no longer have application to employers or employees are rescinded. The national workplace relations system for the private sector has been in place for almost two years. This bill simply provides clarity and certainty to private sector workplaces that were formerly covered by State awards and are now covered by modern awards in the national system. The amendments will reverse the effects of the earlier Industrial Relations Amendment (Non-operative Awards) Act 2010. It fully restores the New South Wales Industrial Relations Commission's powers to rescind awards that have no application.

The commission will no longer be required to declare an award non-operative where there are no employers or employees under that award. Award review proceedings commenced earlier this year under the existing section 19 of the Act and resulted in the parties agreeing upon a list of non-operative awards. Importantly, the bill also contains transitional arrangements to provide that all awards already declared non-operative by the commission are to be rescinded from the commencement of the Act. The bill eliminates the unnecessary, time-wasting processes imposed upon it by last year's amendments and allows the commission to get on with undertaking its core business. It importantly provides certainty to all regarding the status of awards. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

**Bill declared passed and returned to the Legislative Council without amendment.**

### **BUDGET ESTIMATES AND RELATED PAPERS**

#### **Financial Year 2011-2012**

**Debate resumed from 22 November 2011.**

**Mr GREG PIPER** (Lake Macquarie) [10.46 a.m.]: I am pleased to continue from where I left off last night on the significant ways in which September's budget did not meet Lake Macquarie's needs. I note that the Treasurer is at the table and I appreciate that. I do not want him to become upset about perceived criticism but I will call a spade a spade and I know that the Treasurer is a pretty tough character. Last night I was discussing the funding impasse on the Lake Macquarie transport interchange at Glendale. I note that the Acting-Speaker, the member for Wallsend, has a very strong and heartfelt interest in the delivery of this project. It beggars belief

that the Commonwealth Government has got us to a position where the funding criteria that it is applying to infrastructure projects across Australia are now so restrictive that a sensible project such as this does not meet the requirements.

Lake Macquarie City Council cannot access funds through the Infrastructure Australia Fund, as there is a minimum project value of \$100 million. However, council will proceed to seek funds for stage 1 of the project from the Regional Development Australia Fund, even though the criteria for project funding using this source has been changed so that funding is capped at a maximum of \$15 million and requires 2:1 funding from other sources. With the State and council having committed \$25 million, we are going to be left with a total that can be applied for of only \$12.5 million. Therefore, if successful, council would have \$37.5 million to commence a project estimated at \$50 million, with no clear idea of where the remainder can be found. If the Infrastructure Australia Fund and the Regional Development Australia Fund are not suitable, the Commonwealth should find another way to provide for this most beneficial project.

I acknowledge the member for Charlestown and the State Government for the funding promise of \$15 million in the budget for that project. Those funds will be sourced through the Hunter Infrastructure Fund. I also acknowledge the State Government for having provided \$500,000 towards the planning of that project. There is an opportunity for further investment from the State Government in developing economic activity in the area of the Munibung Road extension which links with the Lake Macquarie transport interchange. It will provide a more direct connection for many Lake Macquarie residents and benefit the network of main roads by diverting traffic from that network. The final section of the Munibung Road extension would cross the former Pasmenco redevelopment site and connect it with the intersection of Main Road and T. C. Frith Avenue, Boolaroo. This new connection would not only benefit residents accessing the new interchange, it would also enhance economic activity generated within the Cardiff employment zone which is the largest employment precinct in the Hunter with approximately 16,000 people employed in that zone.

Whilst it remains within the purview of the regional arm of Roads and Maritime Services to prioritise this road within its budget allocation, this project deserves mention within the 2012-2013 State budget. Although the Munibung Road extension is not part of the State's main road network, its construction will undoubtedly stimulate employment and economic activity and greatly reduce traffic loads on State assets, especially local main roads, particularly the intersection at Glendale and also The Esplanade at Warners Bay. An area of great concern—one that has been ignored for too long by successive Governments—is the provision of sewerage services at Wyee. I am disappointed that this has not been funded by the Government in the forward estimates at this stage. I am hopeful it will be, as it is a major social issue as well as a practical impediment to development in this area. Provision of sewerage is recognised as being an important issue for residential growth in the lower Hunter.

It is a vital piece of infrastructure desperately waiting for an injection of funds. This situation is a throw-back to early last century, where a comparatively small sector of the lower Hunter community has been left paying the significant extra costs of a pump-out system while surrounding areas are connected to sewerage. At a time when Hunter Water is returning huge dividends to the Government, it is inequitable that the tiny amount required cannot be found to pay for this infrastructure. It is not only an anachronism that a significant number of people at Wyee rely on pump-out services, the lack of sewerage is also preventing a development of around 1,000 residential lots that has been proposed for a large private landholding adjoining the town. It is also impeding the ability for council to address a planning anomaly in the paper subdivision area of deposited plan 7506. We need the sewer and this infrastructure for all of these practical reasons, but predominantly for the social benefit of that community.

There is a need for further consideration of conservation of the area. Given the rapid pace of development in the electorate, there is not an equivalent provision of conservation land in the critical areas between the Watagan Mountains and the lake. There are significant tracts of Crown land in the area that warrant conservation. It would take a small commitment in the budget to produce a significant conservation result. The Lower Hunter Regional Conservation Plan clearly identifies both the need and the opportunity to conserve land between the Watagan Mountains and Lake Macquarie; it is absolutely reasonable that the Government should use its budget to facilitate progress toward this worthy goal.

A matter of real concern to Lake Macquarie residents is the adequacy or inadequacy of police resourcing in the local area command. The Lake Macquarie Local Area Command encompasses five electorates: Lake Macquarie, Swansea, Charlestown, Wallsend and Cessnock. It is grossly understaffed and the facilities it



occupies are generally outdated and inadequate. There has been a succession of minor budget allocations for the purpose of establishing a new command headquarters, but there has not been an adequate allocation of staffing and other resources to address the inequity in police numbers within the local area command. In real terms the command has approximately 60 per cent of officers per capita compared to the average in New South Wales.

There has been an improvement in this figure over the last four years—it has improved from around 50 per cent since 2007—but it is inequitable and unacceptable that officers in the Lake Macquarie Local Area Command must each serve so many citizens, 65 per cent above the State average. I understand that more decisive action on the new headquarters planned for Glendale is imminent, but the inequitable level of resourcing remains. All of these items are important for Lake Macquarie in order to provide an appropriate quality of life for an area that is serving the State so well through the part it is playing in regional expansion. The above list of important points illustrates where successive budgets have failed the people of Lake Macquarie and where those drafting the 2012-2013 budget can look to address the reasonable requests of this very patient community.

**Mr GEOFF PROVEST** (Tweed) [10.58 a.m.]: This is a very crucial budget, the first of the O'Farrell-Stoner Liberal-Nationals Government. I, like you, Madam Acting-Speaker, have been in this place for about five years. We have fought very hard for our individual electorates, but we have also fought very hard for the good of the people of New South Wales. I note the Treasurer is here as well. I applaud him for his hard work and diligence and his focus on the job. The people of the Tweed support this budget. They believe it is a step in the right direction. They believe over recent times much money has been wasted in this great State, leading to a lack of building, a lack of jobs and so on. They fully understand it is a long way forward.

The district health board has restored local accountability to the Tweed Hospital. We have already seen a new out-patients department and a number of highly qualified specialists boost the medical team at the hospital. That is pertinent to my electorate. I have more people in my electorate over the age of 65 than any other electorate in New South Wales. Health provision has always been a critical issue in the electorate. It is enhanced by allowing people to interact with their local board rather than being controlled from a Sydney-centric bureaucracy. When on the other side of the Chamber I argued many times how the needs of the Tweed were great. Our calls for help were ignored by the previous Government.

The budget also provides record funding for the Pacific Highway and the upgrade at Sexton Hill in Banora Point. This should be completed late next year and will be a great boon to the local people as Sexton Hill has been one of the most notorious black spots. To provide some background on the difficulties encountered with the roads between Queensland and New South Wales, several years ago the Queensland Government, a Labor Government, built the Tugun bypass. It was seven kilometres long and cost in excess of \$500 million. Five kilometres of that bypass is in the State of New South Wales. The previous Government refused to fund it; it refused any financing whatsoever. As the local member I strongly supported it because 50,000 New South Wales people cross the border each day.

I was the only New South Wales politician invited to cut the ribbon at the opening. The Hon. Anna Bligh, the Premier of Queensland, pulled me aside and said, "You are not going to believe what has happened. As you know we have spent hundreds of millions of dollars on the New South Wales side. The former Treasurer has just sent me a \$250,000 land tax bill because we paid to build a road on New South Wales land." I looked at her and said "What do you intend to do?" She said "Meet me at the border shortly and we will tear it up in front of the media." We did that, because that was the contempt with which the people of the Tweed were being treated by the previous Government. The budget contains provision for the much-needed road funding of Kennedy Drive in West Tweed. The Tweed is one of the fastest growing regional areas in the State. We have a growth factor of 2.9 per cent.

In many regards, the front door of the Tweed faces Queensland and its back door is in New South Wales. Kennedy Drive has been a headache for locals for many years. Unfortunately, the high level of congestion has resulted in many fatalities and injuries. Finally some funding has been allocated to improve Kennedy Drive. Tombola, which is a lovely little village alongside the Tweed River, has also experienced many fatalities on the Tweed Valley Way. Fortunately, this budget allocates \$2 million to install safety fencing along that road, which I am sure will be welcomed by the locals as well as the many visitors to our great area. After campaigning for many years funding continues to be allocated for a new police station for the Tweed. Some five years ago I called then Premier, Morris Iemma, to account on his election promise to build a new police station in the Tweed.

Premier Iemma stood roughly in this same spot, looked at me and said words to the effect that I was only a newcomer to this place and I needed to understand the political cycle. I asked my learned colleagues to explain what that meant, which was that he had four years to deliver on his promise. Five years has now passed and we still have no police station. Luckily our Treasurer has money in the budget to achieve that for the people of the Tweed. Finally, five years later, it will be a great plus for the people of the Tweed and for its hardworking men and women in the NSW Police Force. The budget also provides a funding boost for Kingscliff TAFE, which I believe is one of the best TAFE colleges in New South Wales. Finally that efficiently run college has a new trade school with a large building construction unit.

**Mr Ryan Park:** Are you claiming credit for that? Who built that TAFE?

**Mr GEOFF PROVEST:** The member for Keira asks who built the TAFE. The previous Government may have built the TAFE but it forgot to include key components and neglected to provide funding for its future expansion. Kingscliff TAFE was too small and could not accommodate many positions because of lack of planning by the previous Government. People from the region were forced to take up positions at Gold Coast TAFE. At that time I informed this House that Queensland TAFE charges were about 20 per cent lower than those in New South Wales. The previous Government did not care about the local people because it was too concerned about the scandals that were happening in Sydney.

The budget also doubles our commitment to restoring the local rail service. The previous Government chopped and changed its plans for the famous Casino to Murwillumbah rail line. The local Labor member said that the service would never be removed, yet four weeks later it was gone and local roads now experience massive congestion. The Nationals on the North Coast have campaigned continually, assisted by great organisations such as Trains On Our Tracks! [TOOT] based mainly in Byron Bay and elsewhere, for the reinstatement of that rail service. Currently 70,000 to 80,000 vehicles travel the Pacific Highway daily, and that number is expected to exceed 100,000 vehicles in the next 10 years. Over the past 16 years there was no planning for any public transport infrastructure. The previous Government removed our train service, but we are committed to the public transport system. That is why the budget has provided \$2 million for a feasibility study that will be administered by the Minister for Transport.

For the past three to four years I have said in this place that we need planning money to reintroduce the Casino to Murwillumbah train service but, crucially, that it must be connected to Queensland. Some members may be aware that the Gold Coast was successful in gaining the right to host the 2018 Commonwealth Games. From time to time I applaud the Queensland Government, and I do so again for its recent expansion of the Gold Coast Airport. For the information of members present, half of that airport is in New South Wales. The Queensland Government has already factored in a high-speed train from the Gold Coast Airport to Brisbane involving a 30-metre rail merge. The runway has been reinforced to enable the train to travel beneath it. The Queensland Government has also commenced construction of light rail in Southport that will extend into New South Wales.

Queensland is far in advance of New South Wales when it comes to future public transport services. For the past four years no planning money was provided by the previous Government to support a transport connection to Queensland—it was as if Queensland did not exist. This budget is about the future of New South Wales, and that \$2 million will provide particularly the northern region with the opportunity to negotiate on connected rail services. I have had a number of meetings with my counterparts in Queensland as well as with senior bureaucrats within the rail department. They want us to be involved because it makes the project more viable. That is why I am pleased that the budget has allocated \$2 million for that project. Many Coalition members, including me, have complained bitterly about the lack of police in our areas—all we ever received were dribs and drabs. Our hardworking police in the Tweed need extra resources. I am pleased that the budget has included the provision of an extra 550 police, along with 900 teachers.

That is why this budget is good news for the Tweed. I congratulate the Treasurer. He has visited the Tweed on a number of occasions and is aware of the issues that significant building growth causes. Over the next five to seven years around 15,000 new home sites will be approved bringing another 35,000 to 40,000 people into the area. In addition to our large contingency of elderly people, Tweed Heads Hospital recently registered 1,400 births, ranking the region sixth in the State in respect of maternity bed numbers. On Monday two weeks ago the Minister for Ageing, and Minister for Disability Services visited the Tweed. The benefit of Ministers visiting my region is that they gain a firsthand understanding of local issues. The Minister for Ageing, and Minister for Disability Services brought with him the very good news that the budget had allocated \$1.8 million for social housing in the Tweed, focusing particularly on group housing. That is an important step forward for our area.

I am sure members on both sides of the House would agree that we need to do more for our carers and for those suffering from disability. I took the Minister to Eagle Nest, which is a respite and palliative care centre. He received a full briefing on what local volunteers are doing to try to give some quality of life to those whose lives are coming to an end. The volunteers do a fabulous job and I support them fully. The budget supports our hardworking police in addressing crime. Fortunately, this budget allocated funding for a pilot program called Eyewatch. I was previously the regional coordinator for Neighbourhood Watch, which comprises approximately 16 units with 500 active volunteers. Neighbourhood and community leaders take Neighbourhood Watch seriously. Eyewatch is a great initiative by the police Minister that provides information live to local people to make them more aware of their local community and to gain a greater understanding of it while endeavouring to keep their community safe.

Many members in this place would know that my previous occupation was that of club manager. I worked at a number of great clubs, including Revesby Workers' Club and the Coolangatta and Tweed Heads Golf Club. This great club, which is probably the largest and most active golf club in Australia, is run by Ross Bailey. In 1996, along with representatives of every other club, I protested in Sydney, in Macquarie Street out the front of this building. I am sure that every member in this place has clubs in their electorates. The previous Government taxed the clubs unmercifully.

The clubs had funds ripped away and then did not have enough money to support their local communities. We protested time and time again but we got little relief from the previous Government. We saw the decline of many clubs. ClubsNSW is very active, and Anthony Ball and Wayne Krelle do a great job. With the memorandum of understanding signed we are now delivering major tax cuts for clubs. Those clubs are the cornerstone of both large and small communities. Clubs provide social cohesion. They are places to hold a wake, a birthday, a christening or a wedding. Clubs offer an opportunity for social interaction for the elderly, such as through bingo. It is symbolic that I am speaking on the budget today because as of yesterday the second raft of the memorandum of understanding, with fair initiatives, was supported 100 per cent by the clubs movement.

A dental task force has been created to address the critical need for public dentistry. On 1 January the Gillard Government will axe its \$340 million subsidised private dental program. That will cause a number of problems. My electorate has received \$500,000 for Aboriginal housing. The fire station at Banora Point has received \$500,000 for an upgrade. I have already mentioned the police station. A community alliance, in conjunction with Sexton Hill residents, has been pushing hard—I support them 100 per cent—for alternative access to the industrial and retail area. The budget contains \$2 million for the Kirkwood Road interchange. It is badly needed and will enhance the business area.

Whatever the State average unemployment may be, it is usually 2 per cent to 3 per cent higher in the Tweed, with youth unemployment even greater. Assisting local business communities and hospitals will go a great way towards improving the life of people in the Tweed. The Tweed will experience population growth of 30,000 within the next three to seven years. The area will continue to grow, which will put a strain on services. I applaud the Treasurer for recognising the need for resources and for applying good common sense to budget allocations. Once again, I am a 100 per cent for the Tweed and I am 100 per cent for the State budget.

**Mr LEE EVANS** (Heathcote) [11.13 a.m.]: It gives me great pleasure today to commend the New South Wales Liberal-Nationals Government's first budget, which delivers historic improvements for my electorate of Heathcote and the State while reining in expenses. After 16 years of Labor's economic mismanagement and underperformance the people of New South Wales finally have a clear plan to rebuild our State, improve infrastructure and get State finances back on track. In my electorate the budget has guaranteed \$300,000 for the \$1.5 million Bundeena ambulance service, which is to be completed in 2012. Guaranteeing this potentially lifesaving service for the people of Bundeena was a pre-election commitment and it has been a major priority for me since I took office. Currently this shameful gap in services is unofficially filled by three off-duty ambulance officers who happen to live in the area. These individuals generously take it upon themselves to roster on after returning from their paying jobs, putting themselves on call through the night and on weekends. They knew that having fast access to ambulance services could save lives. The previous Government did not care.

It is a sad indictment on those opposite that constituents' survival was left to the hand of benevolent neighbours, and I am relieved that we have acted to fix this dire situation. These funds will ensure that someone who suffers a heart attack in Bundeena will have the same access to emergency health care as someone who lives in a metropolitan area. I have two sons and I can imagine how parents in Bundeena have felt over the past 16 years, knowing that their sons and daughters could be forced to waste precious time waiting for an

ambulance during a medical emergency. Spending on hospitals and healthcare capital works across the State is \$4.7 billion, which is 50 per cent higher than in the past four years. This includes \$16.5 million for work in progress in the Illawarra, for the regional cancer centres and for an elective surgery unit. At Sutherland Hospital my constituents will immediately see the funds at work, with the creation of eight additional acute care beds and the maintenance of 10 acute care and subacute beds.

The budget will provide 110 more nurses in the south-eastern Sydney local area. The boost to nursing staff cannot be overstated as it will relieve the immense pressure on existing hardworking staff who help every aspect of the operation run more fluently and efficiently. These improvements form part of the \$17 billion investment in New South Wales health, which is \$950 million more than last year. This will provide 2,475 extra nurses across the State; 275 extra clinical nurses, midwives, educators, specialists; 150 new beds across the acute care, intensive care and neonatal intensive care networks; and mental health wards. The funds will also maintain 443 acute and subacute beds and 69 subacute beds for general rehabilitation, palliative care and mental health patients. An extra 1,600 elective surgical procedures will be performed and 11,750 extra enrolments will be provided to help people with chronic care conditions to remain at home, thus reducing unnecessary hospital admissions.

The budget delivers \$350,000 for Bundeena fire station, which was opened in 1970. The brave men and women of this station are vital to the suburb, which is surrounded by dense bushland and vulnerable to fires. Major bushfires have threatened and ravaged the area throughout history. The fire men and women not only work to prevent fires but respond to car accidents, storm damage, search and rescue, retrieval and medical emergencies and assist the New South Wales ambulance service as needed. Those working from this station participate in community education with open days and displays, smoke alarm battery replacement for the elderly and school education programs. The goodwill and diligence of these individuals are among the area's most valued assets. I am very proud that the Government has moved to support their efforts. The funding provided will no doubt improve their amenities and boost their effectiveness in keeping my electorate safe.

My home at Loftus has been threatened by bushfires several times so I know the importance of front-line workers. In 1964 bushfires came to our back fence and we had critters and creatures from the national park jumping over our back fence to escape the flames. There is nothing more terrifying than hearing at midnight and through the early hours of the morning exploding eucalyptus trees behind your home. My electorate will benefit from \$40 million over the next four years to improve management, visitor access and education in the national park and to create Dharawal National Park. I have had the privilege of touring this area with the Premier when we made the Dharawal promise before the election and I look forward to being there for the final commitment ceremony. This will preserve the headwaters of the Georges River and priceless Aboriginal rock carvings. The entire area is a water catchment for the Woronora Dam and its natural swampland filters our drinking water.

The \$40 million green corridor fund will be used to purchase and protect strategic areas of high conservation value and ensure that sufficient green spaces are retained across Sydney and New South Wales. Another major promise I made before the election was to fix Heathcote's traffic bottleneck on the Princes Highway. That promise has been honoured in this budget. We have committed \$1 million this year to continue the planning of a comprehensive solution for the blockage. As part of a \$3 million commitment this term we will install a pedestrian overpass, which will remove a major cause of the congestion. The burden that this traffic snarl imposes on thousands of motorists every day is immeasurable, as they are forced to sit bumper-to-bumper with thousands of other motorists just to get to work and back. This gateway to Sydney from the south has been broken for years and the previous Labor Government failed to act. The people who use this highway have felt cheated and the indications are they have suffered long enough.

I spoke this morning on ABC Illawarra radio. On a review of the State's traffic snarls, Heathcote shopping centre came in at number one, with 150 submissions. That shows the level of anger in the community. The next one on the list had 75 submissions, which is an indication of the severity of the traffic snarl at Heathcote compared with those in the rest of the State. The commitment in the budget confirms that the Liberal-Nationals Government will succeed where Labor failed and we will fix this problem once and for all. The Heathcote solution is one of our major upgrades to the Princes Highway, to which more than \$100 million has been committed in total. These funds will allow work to begin finally on countless long-awaited projects and fulfil more of Labor's broken promises.

This budget's commitment to rebuild our roadways goes hand in hand with improving public transport, attracting more patrons and relieving congestion. More than \$13 billion has been invested in transport and roads

to achieve this end. That is \$1.4 billion, or 12 per cent, more than in the 2010-2011 budget, proving that we are serious about this commitment, while those opposite did little more than pay lip-service to upgrading infrastructure. In the budget \$110 million has been provided to roll out—finally—an electronic ticketing system, which was promised by Labor for more than a decade. This twenty-first century system will encourage thousands to use public transport who were put off by the old-fashioned and complicated system. The Minister for Transport has honoured the member for Campbelltown by naming the system the Opal.

An extra \$12 million over the next four years will boost the community transport services that are so important to many constituents in my electorate. Many elderly residents living in beautiful, but somewhat difficult to access, parts of my electorate depend on community transport. Without these services they would find it impossible to leave their homes to socialise or to run simple errands. Residents in my electorate will benefit also from \$102 million for more express train services and an extra \$7.6 million for NightRide services. My electorate will also be the first to benefit from the \$50,000 upgrade of our train radio network from the old-fashioned analogue system to a state-of-the-art digital system. This sounds like a minor change but it is symbolic of the thousands of small upgrades that the people of New South Wales have been denied for so long.

The budget deserves special commendation for its commitment to education. Despite the \$5.2 billion black hole we inherited, this Government has allocated \$12 million to kickstart the \$261 million Literacy and Numeracy Action Plan. This plan includes the employment of 900 additional teachers and \$60 million for extra staffing costs. Although \$9.9 billion is being spent on public schools, the budget also has allocated \$2.2 billion for vocational education, mostly through TAFE New South Wales, and \$279 million for early childhood education. This budget presents many historic commitments, but I am especially proud of the five-year \$2 billion program for disability services. This is the largest funding commitment to disability services in the history of our nation. The impact it will have on the ground will be profound.

An estimated 47,000 new places will be established to provide much-needed support to people with disability, their families and carers. The Government has consulted widely and devised a revolutionary approach to disability services, placing the person with disability as the central focus of decision-making. The vital insights gained through our consultation will help give clients, carers and families a system that has been designed by them for them. Individuals will be able to choose the services they want, rather than being dictated to by bureaucrats. The 2011-2012 budget has allocated a total of \$2.8 billion to Ageing, Disability and Home Care, Department of Family and Community Services. This represents an increase of more than \$342 million on the previous year's funding, despite the difficult financial circumstances irresponsibly left by Labor.

The budget has also moved to improve the employment prospects of people with disability, allocating \$2 million every year for payroll tax rebates for employers to hire new employees through the Transition to Work Program. Funding of \$22.6 million has been invested for an extra 300 supported accommodation places, including 100 supported living fund packages that help individuals with a disability to live in their own communities. One incredibly important aspect of this funding is \$6 million for family support. This funding creates an additional 1,620 places to assist children and their families when help is needed most. I have spoken to a number of families who will benefit from this crucial respite.

The need for respite should not be underestimated. Many in the community do not realise the pressure on families, particularly those with children with disability. Those who have not been touched by a family member or friend who cares for a child with a disability may not realise that it is the family who circles the wagons and bears the burden financially and personally. It is a difficult impost on their family life. By helping those in our community who are struggling, people with disability and their carers, we will benefit our community.

I commend the Government for its first budget. It provides almost 4,000 extra front-line staff to the State's hospitals, schools and police stations over the next five years and delivers the largest infrastructure commitment in New South Wales' history, totalling \$62.6 billion over the next four years. The right balance between bringing spending under control and rescuing New South Wales from Labor's incompetence and neglect has been achieved. We have regained control of the State's finances and protected our triple-A credit rating. At long last our great State is heading in the right direction.

**Mr MARK COURE** (Oatley) [11.27 a.m.]: It gives me great pleasure to contribute to debate on the budget estimates and related papers 2011-12, the first budget of the O'Farrell Government, which takes important and necessary steps to make New South Wales number one again. This is a fiscally responsible, sound and sensible budget that delivers on our election commitments and sets the State's public finances and economy back on track by tackling the Roozendaal \$5.2 billion black hole that was left to us by the previous Labor Government.

At its heart lies the economic framework set out by the Premier for New South Wales to maintain our triple-A credit rating, to ensure that expense growth will be less than or equal to revenue growth, to lead New South Wales to strong economic growth and to be Australia's first place to do business. This budget delivers for all of New South Wales, whether it is my community in the electorate of Oatley, metropolitan Sydney, the outer suburbs of Sydney or rural and regional communities across the State. This budget recognises the need for investment across the State, not in pet projects or by sandbagging marginal seats, which was the forte of those who now occupy the Opposition benches.

The budget builds on the achievements laid out in the 100 Day Plan and will repair what was left behind, improve services and build the infrastructure the people of New South Wales need. The budget will deliver a great set of numbers: 900 more teachers, 2,475 more nurses, 600 of nearly 1,400 more hospital beds, and 550 more police officers. It will deliver a record investment in infrastructure, \$4.7 billion for health and hospital capital works—50 per cent higher than the last four years, \$102 million for more express train services, \$7.6 million for NightRide bus services, \$40 million for the Park and Travel Safety Fund to improve public safety at train stations, and \$2 billion for disability services. This is the largest funding commitment to disability services in the nation's history.

Those figures are impressive and demonstrate the commitment of the O'Farrell Government to the responsible use of public moneys entrusted to us by taxpayers and our focus on delivering services. This has not come without significant challenges, which are worth documenting to put the achievements of this budget into context. The previous Government lived well and truly beyond its means, relying on the Federal Government stimulus of more than a billion dollars and higher-than-expected tax receipts to create the illusion of a surplus of \$1.3 billion and a healthy fiscal position. Indeed, the budget has been in underlying deficit for two of the past three years.

The former Government left us a \$5.2 billion black hole. This Government has had to find significant savings—in the order of \$8 billion over the next four years. It has had to impose fiscal discipline and it has had to make some very hard decisions at a time when the Federal Government is imposing a carbon tax that will disadvantage New South Wales compared with other States, and when the Federal Government is attacking community clubs, which will result in less money going into our community sporting groups, charities and other local initiatives. Additionally, New South Wales will receive \$900 million less GST revenue, it will cop the lion's share of the flood levy and it will be hit by Federal Labor's plans to means test the private health insurance rebate.

The Federal Government is no friend of New South Wales and no friend of my community. The reliance of the previous Government on handouts from Canberra has sold out New South Wales; it has compromised our independence and our capacity to promote and protect the interests of the taxpayers of New South Wales. Fortunately, in this budget the Premier and the Treasurer have demonstrated the intention of the Coalition Government to reverse this trend and to restore a robust approach to federalism, which is critical to the future prosperity of our State and to protect taxpayers from the creeping influence and control of Canberra. In the words of the fortieth President of the United States of America, Ronald Reagan:

Governments don't reduce deficits by raising taxes on the people; governments reduce deficits by controlling spending and stimulating new wealth.

There is no more fitting statement to demonstrate the fundamental differences between the Government and the Opposition in their approaches to public finance. The Opposition would rather take the quick and easy option of tax and spend, and then tax and spend some more. Over the past 16 years this lazy approach to public finance has done untold damage to our State: business confidence has plummeted and opportunities to grow the economy have been lost as people have voted with their feet and moved interstate, taking job opportunities and wealth creation with them. The former Government spent our money on ill-thought-out, poorly costed schemes, such as Labor's Solar Bonus Scheme.

The original cost of that scheme was meant to be \$355 million, but—the member for Bankstown will remember this—it has blown out to \$1.75 billion, adding to electricity prices and cost-of-living pressures for families in my electorate and in electorates all over New South Wales. With the history of the past 16 years at the forefront of our minds, it is clear that the particular challenges faced by the Government upon coming to office were immense. Hard decisions have been made to rein in public spending and address budget projections that were, in the words of NSW Treasury, not fiscally sustainable. Indeed, budget deficits were expected to grow, reaching \$2.4 billion by 2014-15. Given this sorry state of affairs and the fact that since March 2011 revenues have deteriorated by \$900 million, this budget will deliver a surplus of \$292 million in 2012-13.

Further, it is projected to return to an average surplus of \$200 million over the next couple of years. This has been achieved through long-term structural reforms as well as additional savings. Greater contestability has been introduced into the provision of public services to focus on the needs of the people of New South Wales, not on the needs of unions or vested interests. Savings will be delivered in procurement and by implementing a wages policy that the Labor Government introduced in 2001 but was too gutless to stand by. A policy that requires wage increases above 2.5 per cent to be offset by savings brings New South Wales into line with the majority of other States. Further, the unattached list and no forced redundancies policy have been ended and efficiency dividends committed to.

The achievements of the first budget are commendable. My community in the St George region has benefited significantly from the budget. I will take a few minutes to inform the House of some of those achievements in my local community. Expenditure in my community includes \$2 million to commence the expansion of the St George Hospital Emergency Department at an estimated total cost of \$35.5 million; \$56 million statewide, which will maintain 19 acute care beds at St George Hospital; \$686,000 allocated for capital expenditure for the creation of Dharawal National Park, including walking tracks and signs; and \$1 million for Hurstville Police Station in 2011-12 for upgrades, including air conditioning and lifts.

A sum of \$60,000 has been allocated in 2011-12 for the plan to upgrade the M5 Motorway between King Georges Road and Camden Valley Way, and I note the member for Wollondilly is in the Chamber; \$42,000 allocated in 2011-12 to upgrade the control system of the M5 East Tunnel; \$500,000 allocated in 2011-12 for a bus priority system at Bridge Street and King Georges Road, Hurstville; \$10.4 million allocated in 2011-12 to increase station capacity at Hurstville railway station; and a boost in funding for community transport to local services, including Bankstown Community Transport—and I note that the member for Bankstown is in the Chamber, who I am sure will be supporting our budget—and St George Community Transport.

I could stand here all day listing the benefits of this budget to my local community but I have only 10 minutes remaining in which to speak. There has also been significant investment at Hurstville Public School—the largest school in New South Wales with more than 1,000 students. I had the opportunity to visit Hurstville Public School with the Minister for Education and I can report that the teachers, parents and students were all very pleased to be receiving this important injection of funding that will deliver improved facilities, new classrooms and a new canteen, for which they have been waiting 16 years. This sort of investment has been needed for years. It should be noted that the money was delivered by the O'Farrell-Stoner Government and is not reliant on Building the Education Revolution handouts from Federal Labor. This is a significant injection in a fantastic local school in my area and the biggest funding announcement in school education in my area in more than 10 years.

**Mr Lee Evans:** How many?

**Mr MARK COURE:** In more than 10 years. The numbers and commitments in this budget speak for themselves. They are a great set of numbers—900 more teachers, 2,475 more nurses, 600 of nearly 1,400 more hospital beds and more than 550 more police. They are hard proof of the O'Farrell Government's commitment to be a positive agent of change in New South Wales, particularly in my local community. As the Treasurer said in his Budget Speech:

Governments that lose control of their budgets lose control of their destiny.

This Government will make the tough and responsible decisions to rein in reckless spending. It will invest in and rebuild community infrastructure and services, it will deliver on our election commitments, and it will make New South Wales number one again. I commend the budget to the House.

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

## **AGRICULTURAL TENANCIES AMENDMENT BILL 2011**

### **Agreement in Principle**

**Debate resumed from 9 November 2011.**

**Ms TANIA MIHAILUK** (Bankstown) [11.40 a.m.]: I lead for the Opposition on the Agricultural Tenancies Amendment Bill 2011. The Opposition will not oppose this bill. I thank the Minister for Fair Trading

for providing my office with a copy of the bill and accompanying briefing documents. The bill aims "to replace the current arbitration system for determining disputes relating to agricultural tenancies with dispute resolution and determination by the Consumer, Trader and Tenancy Tribunal". I will briefly outline some of the features of the bill. The provisions in section 21 (3) of schedule 1 [12] to the bill limits the tribunal to making orders of up to \$500,000. It also increases the previous limit for these matters from \$100,000. The tribunal routinely handles matters up to \$500,000 and as such the increase in limit for agricultural tenancy matters brings this in line with those matters. This is a sensible limit that is appropriate for the subject matter given the size of the land allotments usually in question.

Section 22 of schedule 1 [12] ensures that matters are required to go through alternative dispute resolution before progressing to a tribunal determination. This is also commendable as it provides parties with an opportunity to resolve their differences in a more informal setting before appearing before the tribunal. As a result of the bill the Consumer, Trader and Tenancy Tribunal will be able to handle agricultural tenancy matters concerning evictions and rental arrears. Presently these matters have to be resolved in the courts. We support the amendment to have these matters heard by the tribunal instead. During the past two weeks my office has had discussions with the NSW Farmers Association and the Public Service Association, which represent the major stakeholders in this matter.

The Farmers Association has assured me that its concern with the bill has been adequately addressed. The association was concerned that the proposal to shift the arbitration of agricultural tenancy to the Consumer, Trader and Tenancy Tribunal might result in a loss of expertise of the Department of Primary Industries personnel involved in these matters. However, the association has been guaranteed that the Department of Primary Industries personnel will be available to provide expert advice. Furthermore, many tribunal offices are located in rural and regional areas. As such, the staff of the tribunal are likely to have experience with rural and regional matters.

I have also received advice from the Public Service Association. It was initially concerned that the proposal might lead to job losses in the Department of Primary Industries. However, the Public Service Association has confirmed that it has no concerns about job losses as a result of the bill. Presently, all initial inquiries regarding agricultural tenancies to the Department of Primary Industries are handled by existing legal staff rather than a separate officer or officers. The arbitration work is then outsourced by the Department of Primary Industries with the costs borne by both parties involved in the matter. The Public Service Association is of the view that this proposal will reduce costs for those farmers involved in agricultural tenancy matters. I ask the Minister to address the issue of job losses in his speech in reply and to confirm that the understanding that the Public Service Association and I have is correct.

As with all matters in the Minister's portfolio, we would expect that the bill when in force will be subject to a process of review to determine the effectiveness of this amendment. There does not appear to be a formal mechanism for review within the bill, but I hope that some provision exists by which the Minister can be assured that there are no issues with this proposal. I ask the Minister to also address this issue in his speech in reply and to confirm that the amendment will be subject to review. I also put on record that the State Government is presently undertaking a review of the structure and potential merger of State tribunals. In fact, submissions for that review close this Friday. While I will not pre-empt or presume the outcome of that review, its determination is likely to affect the subject matter of the bill. I ask that the Minister address how the different models proposed in the issues paper might affect the ability of the Consumer, Trader and Tenancy Tribunal to resolve agricultural disputes.

In particular, should the tribunal be merged with another body, would it be likely to result in the closure of the rural and regionally based tribunal offices? If that were to occur the NSW Farmers Association may well have cause for concern. As I have outlined previously, the Farmers Association has been assured that existing expertise will remain within the Consumer, Trader and Tenancy Tribunal and the Department of Fair Trading due to the fact that many officers of these bodies are based in rural and regional areas. I am sure that the Minister is well aware of the potential unintended outcomes of this review. I ask that he reassure the House regarding this matter. In conclusion, I repeat that the Opposition does not oppose this bill. The proposal is sound and well thought out—with the exception of the issues I have raised. I look forward to the Minister's response regarding those issues. I commend the Minister for introducing this bill and I commend it to the House.

**Mr JAI ROWELL** (Wollondilly) [11.46 a.m.]: I congratulate the member for Bankstown on her first ministerial response. I note that the member for Keira is watching eagerly from his office.



**Ms Tania Mihailuk:** He wants to speak to this bill too.

**Mr JAI ROWELL:** We will wait for the member for Keira to come into the Chamber to hear what he has to say about this bill.

**Mr Mark Coure:** He'll be a shadow Minister by Christmas.

**Mr JAI ROWELL:** He will be a shadow Minister by Christmas. That is certainly what he is saying. I support the Agricultural Tenancies Amendment Bill 2011. The agricultural sector has had a lot to deal with. In recent times we have seen droughts, floods, bushfires and major pest plagues. For most of the populace these are usually the types of events that are experienced by other people who live in faraway places. That our State continues to provide a high level of agricultural produce in the face of these challenges is a major testament to the skill, knowledge and perseverance of our farming industry.

Anything that can help the farmers has my support. That is one of the reasons I am pleased to speak in support of the bill today. The Minister has consulted on the proposals contained in the bill and they are supported by the NSW Farmers Association. As members have heard, the proposed amendments in the bill will confer jurisdiction to the Consumer, Trader and Tenancy Tribunal to determine agricultural tenancy disputes. Currently these disputes are dealt with by the legal branch of the Department of Primary Industries with the assistance of external mediators and arbitrators. The tribunal will be able to carry out these roles in-house in a far more efficient and cost effective way.

For the past decade the tribunal has provided dispute resolution services for residential tenants and landlords, retirement village residents and operators, general consumer claims about goods or services, home building matters, residential park residents and operators, strata and community schemes, and a range of commercial matters such as consumer credit and estate agents' commissions. Each year the services of the tribunal are sought out by an increasing number of people as more members of the public discover what the tribunal can do for them. The tribunal's annual workload is quite significant. I congratulate the staff of the tribunal on their work.

During the 2010-11 financial year the tribunal received 58,808 applications, held 72,836 hearings and made 88,339 orders. Even more impressive is the fact that 74 per cent of those matters were finalised at or before the first hearing. I know from my background in law that that certainly is not the case in other sectors of the judiciary. There is no doubt that the tribunal is ideally placed to provide a dispute resolution system for agricultural tenancies. The tribunal has the experience and expertise required to take on this role. It is committed to providing a high quality service to its clients and it maintains a high standard of transparency and accountability.

It is important that the essential features of the current arbitration system are being retained, with conciliation to be attempted before a matter can go to a formal hearing. The tribunal already places a strong emphasis on the use of alternate dispute resolution measures such as mediation and conciliation. During my training at the University of Western Sydney, Macarthur, I too studied these techniques. They certainly are a much better way of doing things. This is the same approach used by the current arbitration system for agricultural tenancies disputes, where mediation has proved to be a very effective tool. The tribunal is also subject to the rules of procedural fairness, which ensure the impartiality of proceedings.

The amendment bill proposes a number of enhancements that will provide a more comprehensive service than the one currently provided for under the Agricultural Tenancies Act. The current arbitration system has some limitations and cannot deal with disputes involving rent arrears, evictions or amounts in excess of \$100,000. These matters can be heard only in the courts. Under the new system the tribunal will be able to resolve these types of disputes and the jurisdictional limit will be increased to \$500,000. This is equivalent to the tribunal's existing jurisdiction under other legislation. Providing for a wide range of disputes to be settled outside the courts will reduce costs both for landowners and tenant farmers and also help to reduce pressure on the court system.

A number of other measures in the bill will make the new dispute resolution system more affordable. Agricultural tenancy disputes will be handled by the tribunal's commercial division. There will be a sliding scale for application fees based on the amount of money involved. The fees range from \$36 to a maximum of \$191. Of course, the tribunal can reduce fees for pensioners and in special circumstances such as hardship the fees can be waived. Under the tribunal's system, parties to disputes will not have to pay for the cost of mediation,

assessors or hearings, which will reduce their costs significantly. For example, under the existing arbitration system, assessors can cost around \$800 per day. Under the current arbitration system appeals can be made on an error of law and are heard by the Supreme Court. As the tribunal has its own re-hearing procedures and appeals are made to the District Court this provides for further cost savings.

Members of the tribunal are independent statutory officers appointed by the Governor. The required qualifications for tribunal members are listed in the Consumer, Trader and Tenancy Tribunal Act. Tribunal members must have experience in one or more of the areas under the tribunal's jurisdiction as well as having ability and experience in alternate dispute resolution procedures. Members will be pleased to know that a number of tribunal members live and work in regional and rural areas and will already be quite familiar with local industries and issues. There will also be training of tribunal members before the new system commences and the Department of Primary Industries will continue to provide expert advice to the tribunal under a memorandum of understanding that will be entered into. A number of questions have been raised about the bill. I congratulate the Minister—

**Mr Troy Grant:** A good Minister.

**Mr JAI ROWELL:** He is a great Minister as evidenced by all the work he is doing. It is great to see Ministers take an interest in these types of issues. He is working day and night to make New South Wales number one again. The question was raised as to why the Agricultural Tenancies Act was transferred to the Fair Trading portfolio. The idea came from an internal review of the Department of Primary Industries' functions, which found that dispute arbitration was not a core function of the department. Dispute arbitration is handled by a paralegal officer in the Legal Services Branch of Primary Industries and requires specific procedures that have limited application as they are relevant only to the handful of matters that arise each year. The review also found there is a potential conflict of interest between the department's roles in administering the legislation and arbitration of disputes.

**Mr Troy Grant:** That is correct.

**Mr JAI ROWELL:** It is. It was suggested it would be more appropriate to transfer the dispute resolution role to the Consumer, Trader and Tenancy Tribunal given the tribunal's expertise in tenancy issues and resolving disputes.

**Mr Troy Grant:** The right people.

**Mr JAI ROWELL:** As the member says, it is the right people doing the right job. That is fundamental to this Government—creating jobs to deliver outcomes for the people of New South Wales, not just creating jobs for the sake of creating jobs. It was agreed that if responsibility for the dispute resolution role was transferred it would also be appropriate to transfer the administration of the Agricultural Tenancies Act to the Fair Trading portfolio. The Minister has been working very hard and has undertaken a lot of consultation. The key industry stakeholder in agricultural tenancies is the NSW Farmers Association. The association has been consulted a number of times since the transfer of responsibility for agricultural dispute resolution was initially proposed. Before the drafting of the bill the association was consulted again and has confirmed its support for the transfer of the dispute resolution role. Ongoing consultation was also undertaken with the Consumer, Trader and Tenancy Tribunal to address any issues concerning the proposed transfer. Both the NSW Farmers Association and the tribunal have been consulted, as has the Law Society of New South Wales, and all comments were taken into account and helped guide the final form of the bill.

The question has also been raised as to whether the new dispute resolution service will increase the tribunal's operating costs. The additional responsibility for agricultural tenancy disputes is not expected to have a measurable impact on the tribunal's operational costs. During the last financial year the tribunal received almost 60,000 applications and held almost 80,000 hearings across the State. In comparison, the Department of Primary Industries receives roughly 20 inquiries a year about agricultural tenancy disputes and about 12 of these matters progress to an application. Most of these disputes are resolved by mediation or conciliation and there are only one or two hearings a year. This is a very small number of additional matters and will not have a significant impact.

**Mr Troy Grant:** It will be absorbed in the current framework.

**Mr JAI ROWELL:** It certainly will be. Will the tribunal's dispute resolution service be accessible in farming regions? Absolutely; the services provided by the Consumer, Trader and Tenancy Tribunal are highly

accessible. The tribunal has eight registries, including three in rural and regional areas, and conducts hearings in more than 70 locations around the State. This widespread choice of venues will make it easier for hearings to be held in a convenient location for the parties to a dispute. It will also be easier for people to lodge applications. Applications can be lodged online, by fax, by post or in person at any tribunal registry or Fair Trading centre. Information about the tribunal's service is available from any Fair Trading centre. People also have the option of calling the tribunal or Fair Trading telephone inquiry centres, or visiting the tribunal's website or the Fair Trading website.

Under the tribunal's dispute resolution service parties to a dispute will have the same rights they have under the current arbitration process. The tribunal's dispute resolution system will be very similar to the current process. Disputes will be dealt with by a combination of mediation, conciliation and hearings. However, parties to a dispute will have an additional right to seek a re-hearing of a dispute and will still be able to appeal decisions to a higher court, which is very important. The tribunal will be able to determine disputes about any matter that comes under the Agricultural Tenancies Act. This includes disputes about improvements carried out by tenants or landowners, tenants' fixtures, compensation for stored products and compensation for deterioration in the condition of a farm. Under the current arbitration system applications cannot be accepted for disputes about evictions, rent arrears or amounts in excess of \$100,000.

The tribunal will have jurisdiction over a broader range of disputes. The tribunal will be able to accept applications for disputes relating to evictions, rental arrears or disputes involving amounts up to \$500,000. The tribunal's existing dispute resolution processes emphasise the use of mediation and conciliation, as I indicated earlier. The bill makes it mandatory for all agricultural tenancy dispute applications to be referred to mediation. If the mediation is unsuccessful, the dispute can go to a hearing. However, the chairperson of the tribunal will still retain the option of appointing an assessor to inquire into and report on a dispute before it progresses to a formal hearing. Most matters that are dealt with under the existing dispute resolution process are resolved by discussion or mediation and do not require a formal hearing. It is anticipated that these outcomes will continue to be achieved for agricultural tenancy disputes.

To ensure that technical assistance on agricultural tenancies is readily available a memorandum of understanding will be entered into with the Department of Primary Industries for the provision of advice as may be required. Tribunal members are already experienced in the whole gamut of issues involving various kinds of tenancies as well as commercial matters. I also note that tribunal members who live in rural and regional areas where agricultural tenancy disputes are likely to arise may already be quite familiar with a whole range of farming activities. Having grown up in places like Mudgee and spent a few months in Coonamble as well I certainly know how important this bill and its impact will be to those communities.

I note that the member for Orange is nodding his head. It will certainly help the people in his electorate. I also note that all of my Nationals colleagues in the Chamber today are nodding and are excited about this bill. This is the New South Wales Liberal-Nationals Government getting on with the job. The Minister for Fair Trading has done a fantastic job in making sure that this bill is before the House within our first year of government. There is every reason to support the measures in the bill. Those measures will ensure the ongoing provision of an accessible and affordable dispute resolution system for agricultural tenancies. I commend the Minister for Fair Trading and I commend the bill to the House.

**Mr ANDREW GEE** (Orange) [12.01 p.m.]: I support the Agricultural Tenancies Amendment Bill 2011. The apparent lack of interest in this important piece of legislation by those on the Labor benches is sad to behold.

**Mr Troy Grant:** There is none there.

**Mr ANDREW GEE:** I gaze across the table and see the empty benches but I am not surprised because, after all, this is a bill that deals with agricultural issues.

**Mr Troy Grant:** There are five Nationals members in the Chamber.

**Mr ANDREW GEE:** There are five Nationals members in the Chamber today, which is fantastic to see. This is a bill that deals with agricultural issues and we know that Labor has never really been focused on agricultural issues. It is fair to say that Labor Party members of Parliament from country New South Wales are pretty thin on the ground at the moment.

**Mr Troy Grant:** Where are they?

**Mr ANDREW GEE:** That is a good question. I need to inform the House of an important piece of information that has come to my attention.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! The member will be heard in silence.

**Mr ANDREW GEE:** It is a relevant point that needs to be made. The member for Monaro has pointed out to me today that apparently meetings of Country Labor are now held in phone boxes in either Newtown or Glebe. It is a very exclusive club.

**Mrs Barbara Perry:** You cut me.

**Mr Troy Grant:** Six Nationals in the Chamber.

**Mr ANDREW GEE:** Six Nationals in the Chamber now. Apparently to get into the meetings—

**Mrs Barbara Perry:** Point of order: My point of order relates to relevance. I ask that you bring the member back to the leave of the bill. He clearly has nothing to say about the bill if he has to carry on.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! The member for Orange will return to the leave of the bill and ignore interjections.

**Mr ANDREW GEE:** I will move on. Suffice it to say that I will note Country Labor is an exclusive club because, to get into the phone boxes at Newtown or Glebe, you need to have a bottle of chardonnay and be wearing Roman sandals. If you do not have those, you do not get into Country Labor meetings. You know where they are because they attach a set of wind chimes to the outside of the phone box—they hitch them up and away they go. That is Country Labor in 2011. I endorse the comments of the member for Wollondilly. This bill will introduce a new dispute resolution process that will now be provided by the Consumer, Trader and Tenancy Tribunal. The proposals in the bill are the result of the transfer of the responsibility for the Agricultural Tenancies Act to the Fair Trading portfolio.

The Minister for Fair Trading is to be commended on moving forward quickly to put legislative arrangements in place to establish the new dispute resolution process. I am happy also to see that the proposed new process has the support of the NSW Farmers Association. It is great to see that organisation on board. Although the administration of the Agricultural Tenancies Act was transferred from the Primary Industries portfolio to the Fair Trading portfolio in June this year, arbitration and disputes under the Act remain within the responsibility of the Director General of the Department of Primary Industries. The Department of Primary Industries is based at Orange. One of the features of dispute resolutions under the Act was that the dispute resolution took place in Orange and parties would have to come to Orange from all over New South Wales to participate in the dispute resolution process.

**Mr Troy Grant:** It was not practical.

**Mr ANDREW GEE:** The member for Dubbo points out that it was not practical. From my own experience it was practical because one of the highlights of my legal career was a brief but shining appearance at the Department of Primary Industries for an Agricultural Tenancies Act matter. Although it was convenient and practical for me, for parties and practitioners it was not practical as they had to travel from all over New South Wales. Under the new regime, under the umbrella of the Consumer, Trader and Tenancy Tribunal, agricultural tenancy disputes will be able to be held anywhere where the Consumer, Trader and Tenancy Tribunal sits, which will be all over New South Wales.

The Department of Primary Industries receives about 20 inquiries a year on agricultural tenancy disputes. Most of these inquiries cannot go any further because they concern matters that are not covered by the current terms of the Act such as evictions, rent arrears or matters involving amounts over \$10,000. It is good to see that the proposed tribunal process will expand the current dispute resolution service to cover evictions and rent arrears as well as increase the jurisdictional limit to \$500,000. These matters will now be dealt with using low-cost, alternative dispute resolution instead of going to the overworked court system. I note the entrance into the Chamber of the member for Toongabbie. I do not think he has any Roman sandals, but I do not know about the chardonnay.

Agricultural tenancies can involve millions of dollars, so the increased limit of \$500,000 for the alternative dispute resolution system is appropriate. Most of the other inquiries received by the Department of Primary Industries about agricultural tenancy disputes are able to be resolved by discussion or mediation and do not progress to formal arbitration. I understand that most parties to a dispute manage to work out their differences at the conciliation stage and come to an agreement without the need for a hearing. At the end of the day, about two matters each year proceed through all the steps of the arbitration process and are resolved at a formal hearing. These hearings generally take between one and three days to finalise. In comparison to the handful of agricultural tenancy disputes handled by the Department of Primary Industries each year, the tribunal provides dispute resolution services to tens of thousands of people every year.

The tribunal currently has eight registries, including three in regional and rural areas, and conducts hearings in over 70 locations around the State, mostly heard by locally based members. This wide choice of venues will make it easier for hearings to be held in a convenient location for parties to a dispute. It is also common sense to integrate the isolated single-issue dispute arbitration service for agricultural tenancies into the tribunal's wide-ranging responsibilities. New South Wales has numerous dispute resolution services, ranging from the Consumer, Trader and Tenancy Tribunal to small health tribunals that deal with a specific profession. The current dispute resolution service for agricultural tenancies is an example of an entire bureaucratic process being established to handle a single issue.

The New South Wales Government is currently exploring the possibility of a super tribunal to replace many of the existing smaller dispute resolution bodies. The super tribunal could provide a more cost-effective and far more efficient system for resolving a broad range of disputes. The proposed changes to the agricultural tenancy dispute resolution process will contribute to reducing the current proliferation of small dispute resolution services. Another positive impact of these proposals is that existing provisions of the Consumer, Trader and Tenancy Tribunal Act cover virtually all the procedural matters currently provided for in the Agricultural Tenancies Act.

This will allow for the duplicate provisions to be deleted and the Agricultural Tenancies Act will be streamlined, thereby removing some unnecessary regulation from the statute books. The bill also provides for the Agricultural Tenancies Regulation to be repealed. This is in keeping with the O'Farrell-Stoner Government's commitment to eliminating unnecessary regulation and achieving a 20 per cent reduction in red tape within its first term. These common-sense changes to the agricultural tenancy laws are important to the State's agricultural sector which has given its wholehearted support and will continue to be closely consulted in implementing these changes. One important feature to note is that these changes will result in no job losses at the Department of Primary Industries.

**Mr Troy Grant:** What does Steve Whan say about that?

**Mr ANDREW GEE:** The member for Dubbo asks what Mr Whan says about that. Of course, we all remember the heady and wild days before the last State budget when Second Chance Steve and his cohort of friends descended upon Orange and whipped up a huge scare campaign about job losses at the Department of Primary Industries. Of course, no job losses eventuated. Second Chance Steve was at his best in the Central West whipping up the usual scare campaign. Importantly, Second Chance has not returned to Orange since that fateful day. The member for Monaro still has the egg flipper with the blue ribbon attached, which will be presented to Second Chance at the earliest available opportunity in the good seat of Monaro. There is plenty to look forward to in Monaro. The member for Toongabbie perhaps should not smile too much because Country Labor is recruiting members and if he is not careful he could be pacing the halls of this place in Roman sandals.

The Consumer, Trader and Tenancy Tribunal has extensive experience in tenancy-related matters and has a strong emphasis on low-cost mechanisms for resolving disputes. As the member for Wollondilly pointed out, a number of members of the Consumer, Trader and Tenancy Tribunal travel extensively to deal with disputes around New South Wales. I commend the Minister for making these changes to the dispute resolution process in New South Wales. This bill promotes the efficient administration of justice and the efficient resolution of disputes in New South Wales. I commend the Minister for making this important contribution to justice in New South Wales. I commend this bill to the House.

**Mr KEVIN ANDERSON** (Tamworth) [12.11 p.m.]: I am pleased to support the Agricultural Tenancies Amendment Bill 2011. I am pleased also to support the Minister for Fair Trading, who has brought fresh eyes and ears to this issue. Coming to fruition is the common-sense approach the O'Farrell-Stoner Government promised during the election campaign. The common sense being applied to many policies,

procedures and bureaucracy is filtering down to grassroots level. I am pleased that the focus on regional New South Wales is high on the agenda. I am delighted that a number of The Nationals members are present during the debate on this important bill. I acknowledge also my Liberal Party colleagues whose electorates are on the fringes of regional areas. The member for Parramatta points out that he too has a role to play, as does the member for Mulgoa, who has many agricultural areas to look after and is busily taking notes about the way the Agricultural Tenancies Amendment Bill 2011 will impact on and help refine the dispute resolution process.

A large percentage of my electorate is agricultural, including the key primary industry areas of poultry, timber, farming and grazing, utilising many contractors and itinerant workers. That fits nicely with this debate because a number of issues arise regarding tenants on farming and agricultural land. This bill will ensure that agricultural landowners and tenant farmers will have ongoing access to a quality service for resolution of disputes. Quite often one is confronted with a brick wall regarding a problem: The bureaucracy tends to be heavy-handed about what can and cannot be done.

I am pleased that this particular avenue for resolution of disputes is now open to many agricultural landowners and tenant farmers. The transfer of the dispute resolution process to the Consumer, Trader and Tenancy Tribunal will make a notable difference to the level of client service and support. The accessibility of government services is an important issue for those who live and work in rural and regional areas, and accessibility is a key feature of the tribunal's operation. Accessibility raises a number of issues because quite often rural and regional people face communication challenges. Mobile phone access will drop out in a number of areas when driving from Tamworth to Gunnedah.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! There is too much audible conversation in the Chamber.

**Mr KEVIN ANDERSON:** People in rural and regional areas face challenges when trying to communicate with or gain access to government agencies. Quite often one cannot get any mobile telephone service or internet access to download and upload reliable baseload data, making communication with bureaucracy and government services very difficult. The Agricultural Tenancies Amendment Bill 2011 opens things up to enable the wider community to have access. The Consumer, Trader and Tenancy Tribunal is like an octopus in that it has a hub and a number of spokes that provide an excellent method of communication and system of providing services. Apart from urban registries in Sydney the tribunal has regional registries at Newcastle, Tamworth and Wollongong with each registry managing a specific geographical catchment area. The catchment area managed by the Newcastle registry covers Newcastle, Gosford, Port Macquarie and the Hunter region.

I am interested most in the catchment area managed by the Tamworth registry. It has a wide geography including the far North Coast, north and Far West, Upper Hunter, upper Central West and the Northern Tablelands. The catchment area managed by the Wollongong registry also is considerable and covers the Illawarra through Wollongong, down the South Coast to the Victorian border, through to the Southern Tablelands, the Riverina and Far West regions. To provide greater accessibility for its clients, the tribunal has an arrangement with NSW Fair Trading to enable tribunal applications to be lodged at any Fair Trading centre. Those centres are located at Albury, Armidale, Bathurst, Broken Hill, Coffs Harbour, Dubbo, Gosford, Goulburn, Grafton, Lismore, Newcastle, Orange, Port Macquarie, Queanbeyan, Tamworth, Tweed Heads, Wagga Wagga and Wollongong.

I return to Grafton, which is in the Clarence electorate. Of course, The Nationals regained that seat at the by-election held last Saturday and we will welcome our newest member, Mr Chris Gulaptis, in the near future. We congratulate him and The Nationals on his win and on retaining the seat of Clarence. Consumer, Trader and Tenancy Tribunal applications can be lodged also at regional government offices throughout the State. For example, applications can be lodged at the Bourke courthouse, Coonabarabran Motor Registry, Deniliquin Business Enterprise Centre, the Government Access Centre at Gilgandra, the Business Enterprise Centre—Western Riverina—Griffith, Mudgee Business Enterprise Centre, Narrandera Motor Registry, Tenterfield Motor Registry and Wilcannia courthouse.

**Mr Richard Torbay:** Hear! Hear! The Tenterfield Motor Registry; what a great motor registry it is.

**Mr KEVIN ANDERSON:** This is not an exclusive list. This is the hub and spoke approach to enable access by rural and regional people. The member for Northern Tablelands voices his approval of the Tenterfield Motor Registry. The Tamworth Consumer, Trader and Tenancy Tribunal office covers the Northern Tablelands

area. It is not an exclusive list; it is a handful of courthouses and motor registries that are located throughout New South Wales where tribunal applications will be accepted. The Toongabbie electorate will have one because this Government is about including everyone—rural, regional and metropolitan.

The tribunal provides another entry point to its services through the Consumer, Trader and Tenancy Tribunal online. This enables people to lodge applications online at their own convenience, 24 hours a day, seven days a week. That is the way to go when people work longer hours and find themselves time poor. The Consumer, Trader and Tenancy Tribunal online access allows applicants to lodge, manage and track the progress of their application online via the tribunal's website. When you lodge an application or try to access Government services quite often it is thought they are lost in the labyrinth of bureaucracy. This system allows people to get online and track the progress of their application at any time via the tribunal's website. I think that is fantastic.

The tribunal sits at more than 70 locations around the State. The parties to a dispute rarely have to travel far to have the matter resolved. Many tribunal members are based in regional areas and are familiar with issues important to people on the land. I encourage members to take a trip down to the nearest Consumer, Trader and Tenancy Tribunal office and say hello to their tribunal members. It puts a face to a name so that when disputes come up resolutions are easier to resolve. The tribunal is committed to increasing community awareness and making sure that its services and processes are crystal clear. It has developed a range of integrated education and information resources. The tribunal conducts information sessions throughout New South Wales on a regular basis and tribunal members and staff also attend as guest speakers key functions and events organised by key client groups.

I encourage members to contact Fair Trading and the Consumer, Trader and Tenancy Tribunal because chambers of commerce and other organisations often look for guest speakers. A guest speaker is a good way to get information out into the community. The tribunal is committed to increasing awareness and a good way to do that is to through local organisations. The tribunal provides a vast range of useful information on its website. This includes fact sheets and how the tribunal operates, what people need to do to prepare for hearings and application forms for each division that can be downloaded for free. Tribunal registries and Fair Trading centres provide face-to-face point of contact critical in terms of dispute resolution. People can get information on matters such as how to lodge an application, tribunal operations, procedures and what information an applicant needs to provide. There is also the option of calling the tribunal's toll-free information line.

To improve its performance the tribunal uses performance monitoring and reporting systems, a computerised case management system and it has a well-developed complaints management system. On top of all this the tribunal is highly committed to continuous improvement. That is something that the O'Farrell-Stoner Government is continually looking to do. The Government continues to ask of its departments, agencies and bureaucrats, how can services be improved for the community? How can service delivery be improved? How can communication with communities be improved to ensure issues raised are acted upon? It is clear that the tribunal is a professional organisation that provides an important service to the community. It is wholly appropriate that jurisdiction for agricultural tenancy disputes is conferred on the tribunal.

The tribunals hear a number of complaints throughout the year using a process of mediation followed by a hearing if that mediation fails. It is well known that face-to-face mediation—sitting down across the table where one can eyeball the person that one is trying to get one's point across to—listening, learning, understanding and gaining a greater appreciation of the challenge helps in the mediation process. Quite often a true understanding of a person's problem is not possible until one walks a mile in their shoes: Sit, listen, learn, understand and it might then help shape the view taken to find balance and determination in resolution of the dispute. It gives me great pleasure to note that the New South Wales Farmers Association, the peak industry body representing our agricultural sector, which includes landowners and tenant farmers in its membership, has endorsed the proposal for the tribunal to handle disputes and will be working closely with the Government in putting in the new system.

I commend the New South Wales Farmers Association for its interest and assistance. The new Chief Executive Officer of New South Wales Farmers Association, Fiona Simpson, is doing a sensational job. We commend the work she is doing representing the interests of the agricultural sector. This is an important bill because it will ease the process of resolution between parties that cannot come to an agreement and quite often have disputes that date back many years. Let us break down the barriers, open the lines of communication, and resolve these disputes. A lot of the complaints backlog will clear with the introduction of the Agricultural Tenancies Amendment Bill 2011. I commend the Minister for Fair Trading, Anthony Roberts. I am pleased to support the bill and I commend it to the House.

**Mr RICHARD TORBAY** (Northern Tablelands) [12.26 p.m.]: I support the Agricultural Tenancies Amendment Bill 2011 and commend the Minister for Fair Trading for the bill and the work he is doing in the area. His recent visit to the Northern Tablelands was well received. The Minister wanted to taste good steak from the New England and I took him to the appropriate place to give him a taste of agricultural issues in the New England. This review has been long overdue and it has been done well. The long title of the bill is:

An Act to amend the Agricultural Tenancies Act 1990 and the Consumer, Trader and Tenancy Tribunal Act 2001 with respect to the resolution of disputes and to confer jurisdiction relating to agricultural tenancies on the Consumer, Trader and Tenancy Tribunal; and for other purposes.

A number of members have spoken about regional, rural and agricultural issues. Issues can come up that have not been considered. Given the unique nature of some matters that arise when a dispute has occurred in rural, regional and coastal New South Wales, I have to say—

**Dr Geoff Lee:** What do you have to say?

**Mr RICHARD TORBAY:** The member for Parramatta interjects. He likes to look after the farmers of Parramatta.

**Dr Geoff Lee:** I am a strong supporter of farmers.

**Mr RICHARD TORBAY:** I commend him for it. I can see him nodding in furious approval of this legislation. I remember an interjection from the member for Parramatta when I was talking about agricultural issues and my status as a farmer. I indicated to the House at that time that I had nine heifers and three steers—which I again announce to the House—to which the member for Parramatta interjected, "Name them". I am yet to forgive him for that interjection. I can name them too, but enough of these distractions. I tend to invoke interjection; I am not sure why that is.

The system for dispute resolution in regional areas should be streamlined and overseen by a body that is able to understand the issues involved. Previously this area has been dealt with on an ad hoc basis. It has been difficult for parties to understand the dispute resolution process and, importantly, the information available to access the process proved to be fractious and difficult to obtain and understand. Bringing this dispute resolution process under the banner of the Agricultural Tenancies Amendment Bill 2011 is a worthwhile initiative. I commend the Minister for introducing this bill. He is doing good things in this area within his portfolio. I commend the bill to the House.

**Mr ANDREW ROHAN** (Smithfield) [12.30 p.m.]: I strongly support the measures contained in the Agricultural Tenancies Amendment Bill 2011. I congratulate the Minister for Fair Trading on introducing it. The amendment bill proposes changes to the system for resolving agricultural tenancy disputes and rewrites a significant portion of the Agricultural Tenancies Act 1990. As members have heard, the Agricultural Tenancies Act regulates the rights and responsibilities of landowners, tenants and share farmers in relation to agricultural tenancies and provides for the resolution of disputes. Agricultural tenancy laws have been in existence in various parts of the world since at least the late nineteenth century. For example, in Scotland the Agricultural Holdings Act 1883 ensured that tenant farmers could receive the benefits of improvements they had made to the land. The Act also encouraged tenants to maintain the land in good condition until a lease was finished. This proposal went on to become an enduring aspect of agricultural tenancy laws.

Agricultural tenancy laws were first enacted in New South Wales during the First World War. In the early twentieth century it appeared that the existing methods of agricultural production were not maintaining land in good condition. At that time many tenant farmers had little farming knowledge and experience and were not flush with funds. To protect both agricultural resources and the vulnerability of tenant farmers, the Rural Tenants Improvements Act 1916 was introduced. With increasing numbers of servicemen returning from the war, soldier settlement schemes were established and share farming and tenant farming grew in importance. By 1924 approximately 24 million acres of land had been acquired for or allocated under the settlement schemes and a total of 23,367 returned soldiers and sailors had taken up farming.

By the end of the 1980s the position of tenant farmers and share farmers had changed considerably. Far fewer people were employed in farming and the number of farms had shrunk significantly. The introduction of the Agricultural Tenancies Act 1990 modernised the laws. Compensation procedures were simplified and the parties to an agricultural lease could make their own arrangements for compensation, notices and other matters. Compensation for landowners was made possible, particularly in regard to compensation for owners'



improvements and for deterioration as a result of the tenant's failure to properly cultivate the farm. The overall purpose of the new provisions was to encourage tenants to use good farming practices throughout the period of a lease and not allow or cause deterioration of the land. A review of the Agricultural Tenancies Act was conducted in 1998-99. The review found that the Act was meeting its objectives and that there was a net public benefit in retaining the Act. The agricultural tenancy laws have remained substantially unaltered since that time.

The primary purpose of the Agricultural Tenancies Amendment Bill 2011 is to establish a new and enhanced dispute resolution process that will be provided by the Consumer, Trader and Tenancy Tribunal. The proposed changes follow the transfer of the Agricultural Tenancies Act from the Department of Primary Industries to the Fair Trading portfolio. This move was necessary, as there was a potential conflict of interest between the department's roles of administering the legislation and the arbitration of disputes. The measures in the amendment bill will help ensure that the Act can continue to meet its objectives, as well as ensure the continued availability of alternative dispute resolution services for the agricultural sector.

The Consumer, Trader and Tenancy Tribunal has extensive experience in resolving matters related to tenancy as well as having the mechanisms for resolving disputes on a low-cost basis. The inclusion of this additional responsibility for agricultural tenancy disputes will not impact greatly on the tribunal's operational costs. Further, there will be no additional cost to applicants. In fact, the parties' costs will be lower under the new process. In the past year the tribunal received 59,403 applications and held 78,822 hearings across New South Wales. The Department of Primary Industries received about 20 inquiries, of which 12 matters progressed to an application. I am pleased that the dispute resolution role will be taken on by the Consumer, Trader and Tenancy Tribunal. The tribunal has a solid track record and extensive experience in dispute resolution and well-established administrative procedures and provides a high level of customer service. It is the most appropriate body to take on this role.

I understand that the New South Wales Farmers Association is the key stakeholder for agricultural tenancies, representing both landowners and tenant farmers. The association has been consulted during the development of the bill. The association supports measures in the bill and will provide ongoing input as the administrative details of the new dispute resolution system are finalised. The measures in the bill will streamline the Act significantly, removing a number of redundant procedural requirements while providing for a greater range of disputes to be dealt with under the tribunal's procedures. I note that the previous changes to agricultural tenancy laws have attracted strong bipartisan support. I see no reason why it should not be the same for this amendment bill. I commend the bill to the House.

**Dr GEOFF LEE** (Parramatta) [12.37 p.m.]: It gives me great pleasure to support the Minister for Fair Trading in introducing the Agricultural Tenancies Amendment Bill 2011. Again, it shows the commitment of the Liberal-Nationals Government to reform and improve the efficiency of the State and especially to assist those involved in agriculture and horticulture—an area dear to my heart having been a horticulturist. I note that the member for Toongabbie is nodding in agreement. He too was a horticulturist. It is great to see horticulturists represented in this place today.

The amendments proposed in the Agricultural Tenancies Amendment Bill 2011 include, first, that jurisdiction over agricultural tenancy disputes will be conferred on the Consumer, Trader and Tenancy Tribunal and the tribunal will have the power to make orders in relation to those disputes. Secondly, the existing range of matters that may be the subject of an application for dispute resolution will be expanded to include eviction and rent arrears. Under the current arbitration system, these matters must be determined in courts. However, the tribunal has extensive experience in resolving tenancy-related disputes over evictions and rent arrears. It is considered appropriate to enhance the existing dispute resolution service and give the tribunal jurisdiction over these matters.

Courts are already clogged with so many people seeking litigation. Anything we can do to free up the courts and make dispute resolution faster and less expensive for not only the landholder but also the tenant must be applauded. This bill goes some way to doing that by providing a mechanism for mediation and reconciliation. Thirdly, the existing jurisdiction limit of \$100,000 will be increased to \$500,000. Agricultural tenancies can involve amounts in the millions of dollars. Therefore, a limit of \$500,000 for the tribunal is considered appropriate. This limit also broadly aligns with the tribunal's jurisdiction limit in the home building division of \$500,000. Fourthly, procedural matters will be delegated from the Agricultural Tenancies Act and the equivalent provisions in the Consumer, Trader and Tenancy Tribunal Act will apply. Fifthly, the arbitration procedures in the Commercial Arbitrations Act 2011 will cease to apply to agricultural tenancies and disputes. Finally, the Agricultural Tenancies Regulation 2006 will be repealed.

The member for Toongabbie may ask how the Agricultural Tenancies Act helps the community. That is probably because the Opposition did not look after people in rural areas, which is disappointing. But the Liberal-Nationals Government cares deeply about people involved in agriculture and horticulture. The Agricultural Tenancies Act encourages sustainable farming practices, which is particularly important these days. Farmers have a long and good history in maintaining sustainable agriculture. I have run the Woolworths-sponsored Young Leaders Program for many years and I know that farmers are well aware of the need for sustainable farming practices. The bill encourages the use of written agreements that set out the key terms relating to tenancy, such as rights to the property, improvements to the property, dates for completion and termination of the tenancy. It also provides a mechanism for the resolution of disputes between the parties.

I understand that agricultural land can be particularly problematic in regard to the ongoing valuation of improvements made to the land. The bill provides also for an arbitration mechanism, which will reduce court time by transferring matters to arbitration and mediation. The bill is an important piece of legislation that will be administered by the Consumer, Trader and Tenancy Tribunal. The Consumer, Trader and Tenancy Tribunal plays a very important role and it has a fantastic history. In 2010-11 the tribunal dealt with more than 58,000 applications and finalised nearly 60,000 matters. The tribunal is involved in community education and it held more than 72,000 hearings in 70 venues across the State, which was particularly helpful for people in rural communities. As other members have mentioned, applications to the tribunal for dispute resolution can be made online, which will be especially important for rural and remote communities.

One could ask what my electorate of Parramatta has to do with agriculture. I remind members that in 1788 Governor Phillip came to Parramatta to start the first farm. It was the first farm to feed the starving colony—planting wheat, fruit trees and so on—and the first successful farm in Australia. I remind the House that Parramatta is not only the capital of western Sydney but the birthplace of our nation. Western Sydney has its own agricultural lands and they are being impacted by urbanisation, so it is particularly important that we take care of those who are involved in horticultural and agricultural activities. The report of the University of Western Sydney entitled "Sydney's Agricultural Lands: An Analysis" found that in 2007-08 around 82,000 hectares of land were under cultivation, with agriculture, vegetables, poultry, eggs, nurseries and cut flowers. It was estimated that more than 2,200 people were involved in agricultural and horticultural enterprises.

Western Sydney certainly plays its part in feeding Sydney. Around 80 per cent of our fresh fruit and vegetables come from the Hawkesbury-Nepean Valley, which is an important area that we need to manage properly in order to preserve our agricultural land and allow for sustainable urban development to accommodate Sydney's growing population. This bill is an important way to resolve disputes relating to agricultural tenancies in a transparent and speedy way. It outlines a commonsense, cost-effective approach for both landowners and tenants and provides alternative dispute resolution. As an aside, I mention that I was lucky enough to meet Sir Laurence Street, who is accredited with being the father of alternative dispute resolution. The bill provides for the efficient ongoing resolution of disputes and, as such, I commend it to the House. I commend the Minister for Fair Trading for his initiative.

**Mr RICHARD AMERY** (Mount Druitt) [12.46 p.m.]: I am impressed with the number of members who wish to speak to the Agricultural Tenancies Amendment Bill 2011. This is important legislation, the type of which was introduced in this Parliament in 1916. I indicate to the House that I did not speak on that occasion. However, I did speak on the bill that was debated in this place on 5 September 1990 after its introduction by the then Minister for Agriculture, Ian Armstrong, who is in the building today. There have been a number of changes to legislation regarding the resolution of disputes between agricultural tenants and landlords throughout the past century, particularly in 1941, and this bill amends the bill that came into effect in 1990. The object of the 1990 legislation was to change the legal relationship between landlords and tenants.

The main area of dispute occurs when a tenant farmer has leased land through some legal arrangement from a landlord. They may have had a good working relationship during which many undertakings were given and the tenant has made substantial improvements to the property, such as building sheds, putting in drainage, erecting fencing and so on, which cost a substantial amount of money. But then the parties fall out for some reason and the tenancy comes to an end. In years gone by tenants had difficulty claiming compensation for the capital improvements they had made to a property and disputes arose that often resulted in court cases. The 1990 legislation introduced an out-of-court system. A committee, chaired by a barrister or solicitor, was established comprising qualified people experienced in the field of dispute resolution. The committee took disputes between landlord and tenant out of the court system.

The proposed changes to the legislation are not in contention, but the farming community will be watching the progress of this legislation because it shifts the process from perhaps a locally established

committee involving a lawyer, who may or may not be a local, to a Fair Trading tribunal. At this stage farmers may say they have no concerns with it, particularly if they have had no problems with the dispute resolution provided by Fair Trading organisations. But after a year or so members of this House from rural areas may receive representations from the farming community if the Fair Trading tribunals do not deliver the same results and efficiencies as have been achieved in the past. Overall, this is a fairly non-contentious piece of legislation, but it effects an interesting shift from the Agriculture portfolio with which the farming community has a long-term established relationship to the Fair Trading portfolio, which will be something new for many people. I commend the bill to the House.

**Mr ANDREW CORNWELL** (Charlestown) [12.50 p.m.]: I am pleased to support the Agricultural Tenancies Amendment Bill 2011. The purpose of the bill is to establish a new process for resolving agricultural tenancy disputes by the Consumer, Trader and Tenancy Tribunal. Earlier this year the Agricultural Tenancies Act 1990 was transferred from the Primary Industries portfolio to the Fair Trading portfolio. This fits well with other tenancy-related responsibilities within the Fair Trading portfolio. Agricultural tenancy laws have been in operation in New South Wales since 1916. The member for Mount Druitt said he did not have the opportunity to speak on that legislation but has made subsequent contributions. The laws were introduced to address the power imbalance between landlords and tenants and to protect agricultural land from bad farming practices. The Act also provides an arbitration process for resolving disputes that may arise during a tenancy.

The Consumer, Trader and Tenancy Tribunal already provides dispute resolution services and has extensive experience in tenancy-related matters. It is the perfect venue to provide this service. The tribunal has offices throughout the State and it will therefore improve convenience. The tribunal still has the ability to seek advice or technical assistance from the Department of Primary Industries if necessary, but this sensible piece of legislation will ensure that landowners and tenants have access to cost-effective, timely and accessible dispute resolution. The bill follows a long line of legislation introduced by the Minister for Fair Trading, such as the plumbing bill, the home building amendment, residential parks amendment and credit amendment legislation, to name a few. A couple of months ago I had the great pleasure of visiting the Newcastle office of the Department of Fair Trading with the Minister. Seeing the way he related to the staff gave me an insight into the mind of the great man. The opening words of his address to them were, "I love Fair Trading." The raft of legislation that the Minister has brought before the House reflects his passion for his portfolio.

To paraphrase the Minister on that visit, he said that he has come to realise that the Fair Trading portfolio is about more than just dangerous toys and exploding Christmas trees—as the legislation he has brought to the House demonstrates. The appointment of the new Fair Trading Commissioner, Rod Stowe, was greeted with great enthusiasm by staff at the Newcastle office. They know he is a man with Fair Trading in his heart and in his blood. That is certainly another fantastic appointment by the Government. It is my great pleasure to support the bill. It is a sensible amendment and I commend it to the House.

**Mr JOHN FLOWERS** (Rockdale) [12.53 p.m.]: I support the Agricultural Tenancies Amendment Bill 2011. Agricultural tenancy laws have been in operation in New South Wales since 1916. The laws were enacted to address the power imbalance between landowners and tenants and to prevent the degradation of important agricultural land that had resulted from poor farming. As developments in agricultural practices and circumstances of tenant farmers have changed over the years, so too have the laws changed to keep up with these developments. The Agricultural Tenancies Act 1990 now deals with agricultural tenancies for those matters that regulate the rights and responsibilities of landowners, tenants and sharefarmers. In June this year the administration of the Agricultural Tenancy Act was transferred from the Minister for Primary Industries to the Minister for Fair Trading. That is appropriate because the Fair Trading portfolio already has responsibility for tenancy-related issues.

Dispute mediation and arbitration is currently handled by the Department of Primary Industries. This amendment will transfer responsibility for the dispute resolution process to the Consumer, Trader and Tenancy Tribunal. The dispute resolution process will remain similar to the existing process, with an emphasis on using mediation and conciliation. The tribunal's eight registries that conduct hearings in over 70 locations statewide will be accessible and the costs to parties involved in a dispute will be reduced. The Department of Primary Industries will provide expert tactical assistance to the tribunal as required.

This bill will amend and provide jurisdiction over agricultural tenancy disputes. These will be conferred on the tribunal and the tribunal will have the power to make orders regarding those disputes. The existing range of matters that may be the subject of an application for dispute resolution will be expanded to include evictions and rental arrears. The current arbitration system requires these matters to be determined in the

courts. This can be costly and time consuming for all parties. This amendment makes sense, considering the tribunal's extensive experience in resolving tenancy-related disputes over evictions and rental arrears and it will reduce costs for parties involved.

This bill will increase the current jurisdictional limit of \$100,000 to \$500,000. When agricultural tenancies can be worth millions of dollars, the new limit of \$500,000 is appropriate and also aligns with the tribunal's jurisdictional limits in the home building division. Procedural matters will be deleted from the Agricultural Tenancies Act and the equivalent provisions in the Consumer, Trader and Tenancy Act will apply. The arbitration procedures in the Commercial Arbitration Act 2010 will cease to apply to agricultural tenancy disputes and will repeal the Agricultural Tenancies Regulation 2006. I commend the Government for consulting with the New South Wales Farmers Association. I also commend the Farmers Association for its input and support for this bill. The Government values and appreciates the association as an important stakeholder. I commend the bill to the House.

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Fair Trading) [12.57 p.m.], in reply: The purpose of the Agricultural Tenancies Amendment Bill 2011 is to amend the Agricultural Tenancies Act and the Consumer, Trader and Tenancy Tribunal Act to transfer responsibility to the tribunal for resolving agricultural tenancy disputes. As I have outlined, the new dispute resolution system proposed under the bill continues the current emphasis on mediation and conciliation of disputes. At the same time, costs for the parties will be reduced and a highly accessible service will be provided throughout the State. The bill has been developed in consultation with key stakeholders. I thank the New South Wales Farmers Association for its input.

I will comment briefly on a few specific issues raised during the debate. I assure the House that the transfer of agricultural tenancy dispute resolution to the Consumer, Trader and Tenancy Tribunal will not result in any job losses in the Department of Primary Industries. This role is currently managed by a paralegal clerk in the department's legal services division. I am advised that this role only takes up a small part of that officer's workload. Therefore, it is clear that there will be no job losses as a result of the transfer of the dispute resolution role. Following implementation of the new dispute resolution process, the tribunal, NSW Fair Trading and my office will monitor the ongoing impact of the changes. I am happy to take action, if necessary, to address any problems that arise in practice, including through a review if appropriate.

The upper House inquiry into the potential to consolidate the numerous small tribunals of New South Wales into a super tribunal is still underway. The outcome of the inquiry will not be known for some time yet, but there is no reason to reduce the existing services provided by the Consumer, Trader and Tenancy Tribunal in regional areas of New South Wales. Whatever the outcome of the inquiry, there will be an ongoing need for the dispute resolution services that are provided by the tribunal. The provision of those services in rural and regional areas will be maintained. I thank members representing the electorates of Bankstown, Orange, Tamworth, Northern Tablelands, Smithfield, Parramatta, Wollondilly, Rockdale and Mount Druitt. I particularly thank the member for Charlestown for his fine words. He serves his community incredibly well and is a strong advocate of Fair Trading in protecting his constituents from things such as dodgy show bags to exploding Christmas toys. I thank all speakers for their support of this bill. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

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

#### **WORK HEALTH AND SAFETY LEGISLATION AMENDMENT BILL 2011**

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

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

**DOYLES CREEK TRAINING MINE****Reference to the Independent Commission Against Corruption**

**ACTING-SPEAKER (Mr Lee Evans):** I report the receipt of the following message from the Legislative Council.

Madam SPEAKER

The Legislative Council desires to inform the Legislative Assembly that, having considered the Legislative Assembly's message of 11 November 2011, it has agreed to the following resolution:

- (1) That under section 73 of the Independent Commission Against Corruption Act 1988 this House refers to the Independent Commission Against Corruption [ICAC] for investigation and report with respect to:
  - (a) the circumstances surrounding the application for and allocation to Doyles Creek Mining Pty Ltd of Exploration Licence No. 7270 under the Mining Act 1992 (NSW) (Mining Act);
  - (b) the circumstances surrounding the making of profits, if any, by the shareholders of NuCoal Resources NL as proprietors of Doyles Creek Mining Pty Ltd;
  - (c) any recommended action by the New South Wales Government with respect to licences or leases under the Mining Act over the Doyles Creek area;
  - (d) any recommended action by the New South Wales Government with respect to amendment of the Mining Act; and
  - (e) whether the New South Wales Government should commence legal proceedings, or take any other action, against any individual or company in relation to the circumstances surrounding the allocation of Exploration Licence No. 7270.
- (2) That as deemed necessary, the Commissioner may also inquire into any related matters.

Legislative Council  
23 November 2011

DON HARWIN  
President

*[The Acting-Speaker (Mr Lee Evans) left the chair at 1.02 p.m. The House resumed at 2.15 p.m.]*

**DISTINGUISHED VISITORS**

**The SPEAKER:** I acknowledge the presence in the gallery of Her Excellency, Ms Neda Maletic, Ambassador of the Republic of Serbia, whom I met this morning, a guest of the member for Vacluse. Welcome. I hope you enjoy Question Time.

**OMBUDSMAN BRIEFING**

**The SPEAKER:** I remind members of the briefing on the role and functions of the New South Wales Ombudsman and the Ombudsman's office which is to be held tomorrow, Thursday 24 November 2011, in the Macquarie Room, commencing at 1.15 p.m. This briefing will be presented by Ms Linda Ward, Deputy Ombudsman Police and Compliance. I strongly encourage all members to attend.

**ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

**The SPEAKER:** Order! I report the receipt of the following message from Her Excellency, the Governor:

MARIE BASHIR  
Governor

Office of the Governor  
Sydney, 20 November 2011

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State at 8.25 p.m. on 20 November 2011.

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

**Government Business Notices of Motions (for Bills) given.**

## QUESTION TIME

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

### POLICE DEATH AND DISABILITY SCHEME

**Mr JOHN ROBERTSON:** My question is directed to the Treasurer. Will he rule out cutting funding for police resources in the event the Government does not reach a deal to reform the death and disability scheme by the end of the year?

**Mr MIKE BAIRD:** The interesting matter in this particular debate is the complete lack of genuine application from the Opposition. We have heard absolutely nothing on this issue from the shadow Minister, the Leader of the Opposition or the shadow Treasurer about the existing scheme. They have not spoken about the existing scheme. We on this side of the House are very determined to fix the mess that was left behind. For a long time Opposition members have not spoken about that black hole they left behind—\$5.2 billion that appeared the day after the election—but they forgot to tell us about it. Opposition members knew about the mess they left behind. We heard from the Premier and the Minister for Police and Emergency Services about a whole range of policies that look after our police. The issue is about looking after our police.

**The SPEAKER:** Order! An Opposition member asked the question. Opposition members should listen to the answer. I would like to listen to the answer too.

**Mr MIKE BAIRD:** Those opposite know that the current scheme is not sustainable.

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

**Mr MIKE BAIRD:** The Assistant Commissioner of Police, Peter Gallagher, who looked at the scheme, said, "It does appear from a lot of police I spoke to that there was a financial disincentive to return to work." The Minister for Police has argued for a scheme that encourages police officers to get back to work. Indeed, the former Police Association President, Bob Pritchard, one of the creators of the original scheme, said that the system is fundamentally broken and not sustainable. What did the Auditor-General say?

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

**Mr MIKE BAIRD:** In late 2008, early 2009 he looked at the scheme and said, "The trend is unacceptable and must not be allowed to continue. The review of the scheme should be completed as a matter of urgency." Who was in government in 2009?

**Mr Michael Daley:** Point of order: My point of order is under Standing Order 129. We know the Government is cutting police numbers. We want him to answer the question.

**The SPEAKER:** Order! The member for Maroubra will resume his seat. I remind members that taking points of order is not an opportunity to give a speech or debate the matter. The member for Maroubra does that day after day. The Minister is being relevant and that is the only standing order on which I can rule, and the member for Maroubra knows that. The Treasurer has the call.

**Mr MIKE BAIRD:** Those opposite were in government in 2009. We do not know who was Premier; we can toss a coin to determine who it was at that point, but they knew about these problems. In the past couple of days the Deputy Leader of the Opposition has said that the Government should take its time on this issue. The Opposition knew about it in 2009 and did nothing about it. Why did it do nothing about it? It takes a tough Premier to do something; a Premier who understands that the long-term interests of police and this community are served by having a sustainable scheme that ensures that when police are genuinely injured we have the capacity to support them. The Minister for Police and the Premier are looking after the long-term interests of our police and the community in this State. It is not an easy thing to do.

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

**Mr MIKE BAIRD:** We say this knowing that at the end of these reforms the police in this State will have the most generous scheme in the country. We take pride in looking after the interests of our police and of the State. It takes a tough leader to do it.

## POLICE DEATH AND DISABILITY SCHEME

**Mr TROY GRANT:** My question is addressed to the Premier. What are the Auditor-General's latest findings in relation to the police death and disability scheme?

**Mr BARRY O'FARRELL:** I thank the member for Dubbo for his question and for his continued interest in an area in which he once had a professional interest. As the Treasurer has said, the Auditor-General's report today confirmed what we on this side of the House suspected and what those on that side knew was the problem—that is, the scheme was in dire need of an overhaul if it was to remain financially sustainable. The fact is that this scheme was meant to cost \$2.5 million a week; currently it costs \$15 million a week. If allowed to escalate, it will provide no guarantee for any police officer today or in the future for anything that happens to them on the job. The Auditor-General found that the cost of the scheme has increased by \$169 million—or 147 per cent—over the past four years. That means the total liability of the scheme now stands at \$284 million.

Alarming, the number of partial and permanent disability claims paid has increased nearly 400 per cent—from 108 to 415—during this period. At least 79 per cent of those claims relate to psychological issues and 95 per cent have a psychological component to them. The Auditor-General's report shows that the average claim size under the scheme has risen from \$379,000 to \$458,000 since 2008. That 2008 figure is important because as the Treasurer has said, in 2009 those people in Government had a report from the Auditor-General saying the scheme was in need of reform, but what did they do? They did nothing. In other words, what the Auditor-General has found is what the Government has been saying all along: The police death and disability scheme is spiralling out of control. We want to provide the best possible care for police genuinely injured on the job. The current death and disability scheme is not achieving that goal.

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

**Mr BARRY O'FARRELL:** The member for Canterbury was part of the Government that ignored it for two years.

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

**Mr BARRY O'FARRELL:** The Leader of the Opposition needs to understand that governing in the public interest is not about popularity, it is about doing what is right and what will provide long-term protection for people across this State. I thought that when the member for Heffron, No. 42, stepped down we had moved away from popularity politics but clearly the Leader of the Opposition, Mr 14 per cent, is determined to repeat it.

**The SPEAKER:** Order! Government members will come to order. The Premier does not need their assistance.

**Mr BARRY O'FARRELL:** We are determined to ensure that this scheme is financially sustainable and provides police officers, now and into the future, with the protection they deserve and the protection the public wants to provide them. That is why we are moving towards a scheme which encourages police officers to undertake rehabilitation and get themselves back on the job rather than a scheme that encourages them to take a big payout and never return to the workforce. There is no attempt to address the psychological issues. The Opposition wants to leave it to the families and the community to put up with the problems that flow from that. As the Auditor-General said:

The lump sum payment structure should be reviewed and alternative forms of payment be considered.

That is precisely what this Government is trying to do. The Auditor-General stated:

The Force should provide appropriate rehabilitation to injured officers to help ensure their return to the workforce and to meet its continuing obligation to support them after partial and permanent disability payments have been made.

That is precisely what the reforms intend to do. It is what the Minister for police and I have said at the last two police annual conferences. We want to get police injured on the job back to work and using their skills within the Police Force. The Leader of the Opposition continues to resist any form of real change. What this Auditor-General's report makes clear is that the time has come to stop tinkering around the edges. As the Auditor-General stated:

Actions taken to address the unfavourable trend in claims have had no impact to date.

Those Opposite made the situation worse. Our reforms will address the trend in claims. It will get officers back to work as quickly as possible. It remains the most generous death and disability scheme in the country. It will be sustainable and give them protection into the future.

### **POLICE NUMBERS**

**Mr NATHAN REES:** My question is to the Premier. Given that before the election he committed in his contract with the people of New South Wales to greater accountability and transparency, will he publicly release an unedited version of the Parsons review of police numbers before Parliament rises at the end of this week?

**Mr BARRY O'FARRELL:** I am happy to refer that question to the Minister for Police.

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

### **QUAKERS HILL NURSING HOME FIRE**

**Mr KEVIN CONOLLY:** My question is directed to the Minister for Planning and Infrastructure. What action is the Government taking in relation to the fatal fire at Quakers Hill nursing home last week?

**Mr BRAD HAZZARD:** I thank the member for his question on an issue that has struck deeply into the heart of the New South Wales community. The horror of the circumstances in which vulnerable elderly people found themselves last Friday morning has certainly reminded us all of the frailty of life and the evil that can appear when least expected. On behalf of the Government, indeed the Parliament, I express our sympathy to those who have suffered and the families and friends of those who have died or who are suffering. The Government also thanks the emergency services workers: the police, the Fire Brigade, ambulance officers and paramedics. Indeed, all those who risked their own safety, including neighbours and passers-by, in valiant efforts to save the frail and aged victims. The member for Riverstone also asked me to thank the clergy across all denominations who made an amazing effort on the day to assist the victims.

I advise the House that within hours of the fire, action commenced to determine what appropriate steps the Government should take to address issues arising from the fire. The first action was to facilitate support for all emergency service workers who were responding and continuing to respond to the needs of those injured in the fire. Then it was to ensure that elderly residents were transferred to hospitals if medical treatment was required, or relocated to other appropriate accommodation. Over the weekend it was determined that a meeting of directors general should occur on Monday to review whether there were shortcomings in any of the procedures or regulatory frameworks that may have influenced the outcomes at the nursing home. Ministers, with the agreement of the Premier, arranged for the Director General of the Department of Planning and Infrastructure to meet with the Fire Commissioner, the Acting Director General for Ageing, Disability and Home Care [ADHC], a representative from Premier and Cabinet, and the Director General of the Department of Finance and Services representing Fair Trading.

The Minister for Ageing, Disability and Home Care also liaised with the Federal Government on issues relating to the immediate care of residents and accreditation issues dealing with nursing homes. A number of outcomes were obtained from that meeting of directors general. It was clarified that the nursing home was built in 1981 under ordinance 70 of the Local Government Act as a class 9A building and at a time when the Building Code of Australia did not exist. Accordingly, it was not required to have a sprinkler system but other fire prevention measures included fire doors, emergency lighting, hose reels and hydrants, and fire separation above the ceiling did exist. I note that the Federal Government is responsible for accreditation and the Federal Minister has stated publicly that the home's fire safety systems were found to be compliant in audits conducted in the past year.

It would be pre-emptive to draw conclusions before there has been a full opportunity for forensic investigations to be finalised. There is obviously a question as to whether sprinklers would have had a substantial positive impact and this issue will need to be considered in the light of those forensic investigations. The current regulatory and compliance regime regarding fire safety is complex. It involves Federal, State and local government. First, it is inter-related with the Building Code of Australia, which classifies buildings on their intended use and applies different provisions at the time of construction. Unfortunately there is no ready accounting from the Federal Government or elsewhere of how many nursing homes have sprinklers or indeed the range of other fire measures required under the regulatory frameworks.



The challenge is to now work with the Federal Government to establish which nursing homes do not have sprinklers and what steps may be necessary to ensure appropriate protection for residents. The investigations have also shown that there was some work done in this area by the former State Labor Government and reports produced, one of which was intended to be made public but for some reason which is unclear, was never made public. In 2006 a New South Wales Government fire systems working party was established to investigate concerns raised by industry with fire protection systems, and later, regarding alternative solutions under the Building Code of Australia. Its final report noted potential issues with the current controls and industry practice, and made a number of recommendations but offered no specific solutions. The report recommended various projects that needed to be undertaken to crystallise policy, regulatory, administrative and other reforms.

In February this year a briefing was prepared to go to the former Labor Government Cabinet that was to consider the publication of the report, but for some reason it did not proceed. There was also a Labor Government task force looking at issues to do with illegal backpacker facilities, but the scope of this task force was expanded after the fire in Childers, Queensland, to look at fire safety issues generally. The task force was set up under tourism and again there appears to have been no real outcomes. The Government takes the view that it is essential that the circumstances surrounding nursing homes and other buildings housing vulnerable people should be considered in a timely and balanced response to the obvious issues that have arisen out of the Quakers Hill tragedy. Accordingly, the Government has now directed that the relevant agencies work together to prepare a recommendation to Government to advance the issue of better protection of vulnerable people in nursing homes and other buildings where vulnerable people are cared for.

It will be necessary to work with the Commonwealth, which currently is solely responsible for accreditation and for the funding of nursing homes. Again, on behalf the Government, on behalf of the Parliament and, I am sure, on behalf of all the people of New South Wales, I express our sincere condolences to those affected by this horrific fire, and I commit the Government to working openly and transparently with the community to achieve practical solutions to the problems that doubtless will be identified by the forensic investigators. I also table the two reports that were formally prepared under the former Government. We also allow full examination of those reports to inform the debate.

#### COMMISSIONER OF CORRECTIVE SERVICES NSW

**Mr RICHARD AMERY:** My question is directed to the Attorney General, and Minister for Justice. Given that Corrective Services Commissioner Ron Woodham is responsible for achieving the lowest escape rates in the country, why has the Minister not extended his contract beyond six months?

**Mr GREG SMITH:** I thank the member for Mount Druitt for his question and interest in these matters. Commissioner Woodham's appointment has been extended until 30 April 2012. This was acknowledged by Commissioner Woodham in a statement that confirmed the extension of his contract. It also stated that the commissioner would focus on managing the recent changes that have been required of Corrective Services under the recent budget. Members would be aware that following a fall in prison numbers there was excess capacity in the system and it was decided that three older jails—Parramatta, Kirkconnell and Berrima—should be closed and prisoners moved to more modern and secure facilities, which will be safer for Corrective Services officers.

#### VIOLENT VENUES SCHEME

**Mr ANDREW GEE:** My question is addressed to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts. What has the Government done to reduce alcohol-related violence in and around licensed venues?

**Mr GEORGE SOURIS:** Today I am pleased to release a revised list of the State's most violent venues. I say I am pleased because it is the lowest number of pubs and clubs in the history of the scheme. On the new list are 33 venues—half the number of premises compared to December 2009 when the highest number was recorded, with 66 venues subject to special conditions. This remarkable achievement is a credit to licensees, their staff, patrons and authorities for making licensed venues and surrounding areas safer for everybody. The review of the violent venues scheme, based on the latest crime statistics, resulted in 21 venues being taken off the list because assaults attributed to those venues had fallen below the threshold.

For the first time there are no level 1 or level 2 venues in Kings Cross or Wollongong. Individual hotels have proactively reduced violent incidents, such as, Mary Gilhooly's Irish Pub and Restaurant at Lismore,

which recorded a 47 per cent fall; Northies Cronulla Hotel and Hotel Orange, 44 per cent reductions; and Wollongong's Harp Hotel, a 42 per cent drop. The Mean Fiddler at Rouse Hill and Penrith Panthers, which have been at the top of the list since the start of the scheme, cut violent incidents by 40 per cent and 44 per cent respectively. These results demonstrate that effective management can reduce the incidence of alcohol-related harm even in venues that accommodate large numbers of patrons.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber.

**Mr GEORGE SOURIS:** For the next six months 10 level 1 and 23 level 2 venues will be subject to special conditions to help improve patron safety and reduce intoxication and associated community impacts over the busy summer period. Unfortunately, this includes the 10 venues that were added to the two lists because their violent incident rates had increased in this latest crime data period. Four of these premises have never been on the list before. They are Phriction Nightclub at Penrith, the Macarthur Tavern at Campbelltown, the Dapto Hotel and the Theatre Royal at Broken Hill. These venues are now on notice to improve alcohol and security management and patron safety or risk further sanctions.

Level 2 venues—those that have 12 to 18 violent incidents in a year—must comply with three conditions: ceasing alcohol service 30 minutes before closing; no glass or breakable containers after midnight; and alcohol time-outs or the provision of free water and food for 10 minutes every hour after midnight. Restrictions applying to level 1 venues—those that have 19 or more violent incidents in a year—are the same as those that apply for level 2 venues plus: a 2.00 a.m. lockout; an appropriate extra security measure such as additional guards, closed circuit television, digital video and audio recording devices or electronic identification scanning; no shots, no doubles and no ready-to-drink beverages with over 5 per cent alcohol content after midnight; and a limit of four alcoholic drinks per customer per order after midnight.

The New South Wales Government also is currently implementing its Three Strikes and You're Out Scheme, which delivers the ultimate sanction to licensees who are convicted of knowingly committing serious liquor offences, that is, a loss of licence. Today I can announce that the Government's Three Strikes and You're Out Scheme will come into force on 1 January 2012. My department is now coordinating a statewide mail-out to every licensee in New South Wales to serve notice of this start date and inform them of the need to review their operations to reduce the risk of committing serious liquor offences. More than 22,000 licensees and approved managers are receiving letters and a detailed fact sheet outlining precisely how the scheme will operate. The recipients include 2,100 hotels, 1,400 registered clubs, 7,800 restaurants, nightclubs and other entertainment venues and 2,000 bottle shops.

While most licensees do the right thing, this scheme is about the irresponsible operators who wilfully or knowingly commit serious liquor offences and continually put the safety of patrons and the broader community at risk. It is paramount that all licensees understand the potential consequences of this new scheme: Three convictions for serious liquor offences can result in three strikes and loss of a liquor licence. It is a substantial strengthening of the draft scheme. These measures will complement the violent venues scheme in reducing alcohol-related violence and antisocial behaviour and ensuring licensed premises and surrounding areas are safer for everybody. I look forward to announcing further reductions in alcohol-related violence and antisocial behaviour as we continue to implement a range of initiatives to enhance community safety.

## PRISON REFORMS

**Mr JOHN ROBERTSON:** My question is directed to the Attorney General, and Minister for Justice. In light of the Attorney General's comment to Ray Hadley on Monday that the previous Labor Government was tougher than he is on prisoners, what changes is he planning that will make life easier for prisoners?

**Mr GREG SMITH:** The comments were made in relation to the so-called law and order campaign.

**The SPEAKER:** Order! The Leader of the Opposition asked the question. Opposition members should listen to the answer.

**Mr GREG SMITH:** We are putting prisoners in more modern jails, whereas the previous Government left them in old jails. We are instituting a 300-bed intensive drug rehabilitation jail at John Moroney Correctional Centre near Windsor. That is something the former Government never did. The former Government never did anything to try to help prisoners get off drugs. If there is one issue that contributes to reoffending in this State it is drug addiction. Over 50 per cent of prisoners are on drugs.

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

**Mr GREG SMITH:** Drugs are maintained in jail by giving prisoners methadone. This Government is giving prisoners the opportunity to get off drugs so that they come out of jail clean and not bash people on the head. The former Government had the opportunity to implement these measures but they did not have the decency to do it. All they wanted to do was blackguard them. They did not want to do anything to lower the recidivism rate, rehabilitate prisoners and protect the community from further crime. We are trying to implement the measures that the former Government neglected to do.

### **GREATER WESTERN SYDNEY GIANTS AFL TEAM**

**Mr TONY ISSA:** My question is addressed to the Minister for Sport and Recreation. What progress has been made in providing a home ground for the Greater Western Sydney Giants AFL team?

**Mr John Robertson:** Do you understand AFL?

**Mr GRAHAM ANNESLEY:** Yes, I do. I understand all sports.

**The SPEAKER:** Order! The Leader of the Opposition will come to order. He is close to being ejected from the Chamber.

**Mr GRAHAM ANNESLEY:** I thank the member for Granville for his question and his continued interest in increasing opportunities for the people of western Sydney. This morning, in conditions better suited to water polo than football, I had the pleasure of attending Sydney Olympic Park with the Premier to get a firsthand view of the redevelopment of the Sydney Showground. Despite the testing weather conditions, work on the showground is progressing well and is on schedule to become the home of the Greater Western Sydney Giants in 2012 as they become the eighteenth team in the Australian Football League premiership. The significance of this latest addition to the Sydney sporting scene should not be lost on anyone, and today the Premier highlighted the considerable benefits to New South Wales and western Sydney. PricewaterhouseCoopers has projected that the Giants will generate in excess of \$400 million for the New South Wales economy and potentially deliver more than 3,000 jobs to the region.

This is great news not just for the people of western Sydney but for the entire State because every job created will add to the economic growth and financial stability needed to see New South Wales once again become the engine room of the Australian economy. Also joining us this morning was AFL Chief Executive Officer, Andrew Demetriou, and his comments regarding this new venture for AFL in Sydney highlighted the substantial commitment the sport was investing in western Sydney and New South Wales. It is interesting to note that as the Giants prepare for their inaugural season in 2012 the Sydney Swans will be celebrating 30 years as a New South Wales club, which again highlights the long-term determination of the AFL to succeed in New South Wales. Aside from the obvious economic impact of an AFL team in western Sydney it will offer another sporting pathway and opportunities for the many thousands of young athletes in the region keen to play sport.

The stadium upgrade will increase seating capacity from 13,000 to 25,000, and a reconfiguration of the existing pitch will make it three metres longer than the Melbourne Cricket Ground and the same width as Etihad Stadium, making it ideal for AFL competition. The arena upgrade works commenced in May 2011 and are expected to be completed by May 2012 in time for the Royal Easter Show. The Giants' first use of the stadium will see them clash with the Essendon Bombers on 26 May, which I am sure is not by coincidence as it is the former club of the Giants' coach, Kevin Sheedy. With 12,000 Giants members already on board, the AFL is predicting a full house on the night to see what promises to be a decent old grudge match between Sheedy and his former star recruit James Hird. Additionally, the venue will be home to what is expected to be the largest video scoreboard in the Southern Hemisphere. The arena upgrade will also benefit the other 400 events held at the nearby Showground site each year, including, of course, the annual Royal Easter Show, which attracts up to a million visitors over the two-week event period.

Tomorrow the spotlight will be focussed well and truly on western Sydney when the nationally televised AFL Draft is conducted for the first time in New South Wales at the Sydney Olympic Park Sports Centre. This is a major coup for Sydney and New South Wales and again highlights the Government's commitment to attracting major events to western Sydney. Through the excellent work of my colleague the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts one of the most important events on the AFL calendar will feature Sydney nationally and will focus heavily on the Giants. The draft is an exciting event for new players, particularly for the Giants, as the new club will get 11 of the first 14 selections.

Next year Sydney Olympic Park promises to be an entertainment mecca for fans, with events scheduled to include Australia playing India in a KFC 20/20 match, the birth of the Sydney Thunder cricket team, the New South Wales Waratahs playing Queensland, the annual Charity Shield clash, the Bledisloe Cup and the Urban Music Festival's Supafest. These initiatives and events again demonstrate the New South Wales Government's commitment to the growth and development of western Sydney and sport is certainly making a major contribution.

### REGIONAL RELOCATION GRANT SCHEME

**Mr RICHARD TORBAY:** My question is directed to the Treasurer. Given the more than \$40 million unspent funds from the Rural Relocation Program will the unspent amount be reallocated to other regional development projects or absorbed into consolidated revenue?

**The SPEAKER:** Order! The Treasurer has the call. I am sure the member for Northern Tablelands would like to hear the answer.

**Mr MIKE BAIRD:** I thank the member for his question and note that he was a great former Speaker in this House and advocate for his community. I am amazed at the question directed to the Attorney General earlier. The Labor Party attacked the State Attorney General for being interested in rehabilitation.

**Ms Carmel Tebbutt:** Point of order: My point of order relates to relevance.

**The SPEAKER:** Order! The Treasurer has barely begun to answer the question. However, I uphold the point of order. I am sure he will return to the question about rural relocation straightaway.

**Mr MIKE BAIRD:** I can assure the House that this Cabinet is very proud to stand alongside the Attorney General. In relation to the question, it is very important to note that we finally have a government in Macquarie Street that is interested in regional and rural New South Wales. We have an overall package that is about growing regional and rural New South Wales and we are very proud of it. In our Infrastructure Fund we have announced that 30 per cent of our funds in Restart NSW will go to regional and rural New South Wales. We have a Jobs Action Plan which is about putting jobs back into the economy—100,000 jobs. Of those 100,000 jobs 40 per cent will go to regional and rural New South Wales.

Regional relocation grants are attractive and they have been supported by the Clarence Valley mayor who said, "We applaud the Government for that investment in regional New South Wales". The member for Northern Tablelands said that it was a positive policy initiative and deserved to be commended. I commend the Deputy Premier for taking a policy initiative in relation to the regional relocation grant. Obviously, in the context of the budget the State Government will look at this policy and all policies in relation to their effectiveness, their value for money and the policy outcomes they are delivering. The Government is committed to supporting regional and rural New South Wales, but we are unsure where Labor sits on this issue. Labor did support it at some point. Labor's Rural and Regional Taskforce in 2008—

*[Interruption]*

**The SPEAKER:** Order! The Treasurer is being relevant to the question asked.

**Mr MIKE BAIRD:** The taskforce recommended providing incentives for people to relocate from Sydney. Members opposite probably did not read the report because we know they do not read many. We also know that when we introduced the bill Labor supported it wholeheartedly. Indeed, the member for Maroubra at the time said that he was thinking about retiring in a few years and that he would be "taking my family up to a little farm in Kempsey where my dad came from". I think that is a good thing because Kempsey is a great spot. The member for Maroubra supported this scheme and he spoke to the Parliament about it. The Opposition supported the bill but then in the budget reply it opposed it.

**The SPEAKER:** Order! The member for Northern Tablelands is struggling to hear the answer. Opposition members will come to order.

**Mr MIKE BAIRD:** I know the member for middle management is interjecting because it gets embarrassing for him from this point on.

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

**Mr MIKE BAIRD:** The Opposition's budget reply speech contained one policy to cost, and if members had got to page 3 of the budget they would have seen the costing right there in front of them, but they did not get to page 3. In his one policy the shadow Treasurer was \$100 million wrong—

**The SPEAKER:** Order! I remind the member for Maroubra that it is disorderly to wave pieces of paper around.

**Mr MIKE BAIRD:** —which very clearly comes back to the member's question. We are committed to investing in rural and regional New South Wales. That is why in the budget there was a \$4.2 billion investment in the road network and \$2 billion for the Pacific and Princes highways.

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

**Mr MIKE BAIRD:** Let me go through where the hospital funds are going. There are hospital funds for Wagga Wagga, Port Macquarie, Dubbo, Parkes, Forbes, Tamworth and Bega—there are funds everywhere—and there are 400 extra nurses for rural and regional New South Wales. There is money for roads, for buses, for transport, for health and for tourism, and why is that? It is because the O'Farrell Government cares about rural and regional New South Wales and we are going to get on with the job of supporting those communities.

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

### **BLACK OPAL STATE GEMSTONE**

**Mr JOHN WILLIAMS:** My question is directed to the Minister for Western New South Wales. How does the Government plan to honour the black opal as the State's official gemstone?

**The SPEAKER:** Because I have great long distance vision, I note that the Minister for Western New South Wales is wearing a beautiful black opal ring. It is about 5.4 carats and it is from Lightning Ridge. He is also wearing beautiful black opal cufflinks that are 11.76 carats, from my observation, and are also from Lightning Ridge.

**Mr KEVIN HUMPHRIES:** They are from Lightning Ridge, Madam Speaker.

**The SPEAKER:** The member for Heffron is also wearing a beautiful black opal ring. Members will come to order and stop showing off their jewellery. The Minister has the call.

**Mr KEVIN HUMPHRIES:** I thank the member for Murray-Darling for his question and for his interest in the State's gemstone, the black opal.

*[Interruption]*

We on this side of the House pay for our things. If any more members are interested we can put them in touch with legitimate retailers. I thank the member for Murray-Darling for his question and for giving his backing to the State's gemstone, the black opal. Coming from Broken Hill, the member obviously understands the unique resources and attributes of western New South Wales. It gives me great pleasure to update the House on the Government's plan to finally acknowledge the black opal and give it the recognition it deserves. The black opal was declared the State's gemstone in 2008 after a long campaign by me, members on this side of the House and members of the Lightning Ridge community. I acknowledge the work of the Department of Premier and Cabinet in 2008, in particular the protocol department that lent a hand in authorising and ensuring the legitimacy of the black opal.

*[Interruption]*

The member for Canterbury had no idea what was going on then and she still has no idea. I will speak of the due diligence done by my side of the House. The Premier at the time was Morris Iemma. When he announced that the black opal would become the State's gemstone he made the initial faux pas of thinking that black opals are black. They are not. Black opals are a striking mix of colours based on a black background of potch. At the time the lack of interest from those opposite was similar to their lack of interest for places like Lightning Ridge and western New South Wales. Now the only thing rarer than the black opal is the Country Labor Party.

There is no doubt members opposite now understand that we have a State gemstone. Although they made the announcement, they never really celebrated the fact. That is why this Government will celebrate the declaration of the black opal as the State's gemstone at a reception to be held by the Governor next week at Government House. After that celebration of the black opal next Wednesday the gemstone will be far better recognised than the Leader of the Opposition. Last week at Grafton we had a conversation during the Clarence by-election. I believe the Leader of the Opposition visited the electorate eight times.

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

**Mr KEVIN HUMPHRIES:** Support for Labor fell each time he went there. We understand the importance of the gemstone to the people of regional New South Wales, particularly Lightning Ridge.

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

**Mr John Robertson:** You should have just kept walking, Kevin.

**Mr KEVIN HUMPHRIES:** You were mistaken for Peter Ellem. They did not even know you. They thought you were the candidate. The black opal is only found in two places—Mexico and Lightning Ridge. I have no doubt that those opposite would more readily be seen in Mexico than in Lightning Ridge. Lightning Ridge is a long way from Sussex Street, so let me make those opposite more aware of this historic place in our State. Lightning Ridge is in north-western New South Wales. It earned its name in the 1870s when a shepherd, his dog and a flock of sheep were struck by lightning and killed—a fate not dissimilar to that suffered on 26 March by 32 members opposite. The black opal is the rarest and most valuable opal in Australia. Unlike ordinary opals, black opals have carbon and iron oxide trace elements present, resulting in a darker bodied orb and tone and brilliant striking rainbow colours which stand out far better than in other opals. [*Time expired.*]

#### POLICE NUMBERS

**Mr NATHAN REES:** Loath as I am to interrupt that, my question is directed to the Premier. In keeping with his commitment to open and transparent Government, will the Premier continue to publish the monthly authorised and actual police strength figures online?

**Mr BARRY O'FARRELL:** I thank the Minister for Western New South Wales for his previous answer. I thought he was going to talk about the black panther, which is of far more interest to the members for Hawkesbury and Toongabbie than the black opal. Tens of thousands of dollars in taxpayer funds were spent looking for the black panther.

**Ms Carmel Tebbutt:** Point of order: I refer to Standing Order 129, relevance. The question was about police numbers, not the black panther. I suggest the Premier try to answer the question.

**The SPEAKER:** Order! The Premier has barely begun his answer and I do accept some introductory comments.

**Mr BARRY O'FARRELL:** My concern was that the vigour with which the then Premier announced an inquiry into searching for the black panther may well have tied up thousands of police officers across this State. That was my point.

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

**Mr BARRY O'FARRELL:** My point related to the terms "actual" or "authorised". I have been a member of this place for 16 years. Other members who have been here for that long—and far longer in the case of the member for Wakehurst—remember that when we asked questions about authorised and actual in terms of our local area commands, or our local police patrols as they used to be called, the answers that previous Labor Governments placed on the *Notice Paper* were either that it would waste too many resources to provide the information or it denied that there were such lists. The fact is we know that in certain parts of this State police were under-resourced because those opposite were city-centric.

**Mr Michael Daley:** Point of order: I too refer to Standing Order 129. The question was very narrow. The figures are currently published monthly on the internet. Will the Premier commit to their continued publication?

**The SPEAKER:** Order! I know the question was specific, but I cannot direct the Premier to answer it specifically. I can only direct the Premier to be relevant and at the moment he is being relevant.

**Mr BARRY O'FARRELL:** We know that under those opposite, areas in rural and regional New South Wales were starved of policing resources because of Labor's Sydney-centric nature. We also know in relation to police numbers under those opposite that remarkably in the six months leading up to an election campaign police were—as Country Labor member for Keira says—at record numbers. But as soon as an election was won—as it was won on four occasions—immediately the numbers would start going down. The issue was then not addressed again until the next election cycle. The Government is determined to address that. The Minister for Police and Emergency Services will make statements about the Parsons report. We have said that we will continue to publish those figures. That is part of our commitment. I am more interested in some figures that New South Wales Labor's powerful right faction has come up with. They have come up with a plan to fix the Labor Party—not a three-point plan, not a five-point plan, but a 20-point plan.

A plan for every member opposite; that is right. They have set themselves a goal—just as they used to set goals for police numbers—of attracting 8,000 members a year. They are currently recruiting about 4,500, which is not a bad start towards that goal, except they are currently losing 6,000 members a year. If that rate continues the only people in the Labor Party will be the Leader of the Opposition and the member for Toongabbee. The other major reform put forward by the Right to revitalise the Labor Party is to forge closer links with the union movement. Eighty-seven per cent of the New South Wales population already know that the Leader of the Opposition is the union movement. We want to talk about numbers, we want to talk about transparency and we will continue to do so. We are publishing those figures. Cabinet is committed to that. We have no problem with them.

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

#### **VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2010-2011**

**Mr Mike Baird** tabled, pursuant to section 24 of the Public Finance and Audit Act 1983, variations of the payments estimates and appropriations for 2010-2011, flowing from the transfer of functions from the Department of Transport to Transport for NSW, dated 1 November 2011.

#### **DAYS AND HOURS OF SITTING**

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

That unless otherwise ordered, the House meet during the 2012 autumn and spring sittings as follows:

Autumn Sittings: February 14, 15, 16, 21, 22, 23; March 6, 7, 8, 13, 14, 15, 27, 28, 29; April 2, 3, 4; May 1, 2, 3, 8, 9, 10, 22, 23, 24, 29, 30, 31; June 12, 13, 14, 19, 20, 21.

Spring Sittings: August 14, 15, 16, 21, 22, 23; September 4, 5, 6, 11, 12, 13, 18, 19, 20; October 16, 17, 18, 23, 24, 25; November 13, 14, 15, 20, 21, 22, 27, 28, 29.

I have already circulated to members the dates for the autumn and spring sittings for 2012 but I draw members' attention to a change in the week of 3 to 5 April. In that week we will sit on Monday, Tuesday and Wednesday, from 2 to 4 April.

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

**Motion agreed to.**

#### **JOINT STANDING COMMITTEE ON ROAD SAFETY**

##### **Quorum**

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

That:

- (1) The resolution of 22 June 2011 appointing the Joint Standing Committee on Road Safety be amended by leaving out "any five members shall constitute a quorum" in paragraph (2) and inserting instead "any four members shall constitute a quorum".
- (2) A message be sent acquainting the Legislative Council of the resolution and requesting the Legislative Council to pass a similar resolution.

**PUBLIC ACCOUNTS COMMITTEE****Reference: Inquiry into the Comparable Economics of Energy Generation in New South Wales**

**Mr JONATHAN O'DEA:** I inform the House that, pursuant to standing order 299 (1), the Public Accounts Committee has resolved to conduct an inquiry into the comparable economics of energy generation in New South Wales, the full details of which are available on the committee's home page.

**PETITIONS**

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

**Coal Seam Gas Mining**

Petition requesting a moratorium on coal seam gas mining until a royal commission into its impacts is conducted, and requesting a ban on hydraulic fracturing extraction, received from **Mr Gareth Ward**.

**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:**

**Central Coast Health Care Services**

Petition requesting improved access to health care services for Central Coast residents, received from **Mr Chris Holstein**.

**Walsh Bay Precinct Public Transport**

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

**Companion Animals Travel**

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

**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 petitions signed by more than 500 persons were lodged for presentation:**

**Gosford East Public School Support Unit**

Petition requesting that the level of therapy services and spaces for physically disabled students at Gosford East Public School Support Unit be maintained, received from **Mr Chris Holstein**.

**Pacific Highway Upgrade**

Petition requesting the completion of the Pacific Highway dual carriageway upgrade by 2016, and requesting that trucks be diverted to the New England Highway until the upgrade is completed, received from **Mr Andrew Fraser**.



### **Queen Street Auburn Rezoning**

Petition opposing Auburn City Council's proposed rezoning of Queen Street Auburn from light industrial to high density residential housing, received from **Mrs Barbara Perry**.

### **Pittwater Fishing**

Petition requesting the Government buy out commercial fishing operators within the Pittwater to help to ensure a sustainable future for this invaluable natural asset, received from **Mr Rob Stokes**.

**The Clerk announced that the following Minister had lodged responses to petitions signed by more than 500 persons:**

The Hon. Katrina Hodgkinson—Pittwater Fishing—lodged 18 October 2011 (Mr Rob Stokes)

The Hon. Katrina Hodgkinson—Pittwater Fishing—lodged 19 October 2011 (Mr Rob Stokes)

The Hon. Katrina Hodgkinson—Pittwater Fishing—lodged 9 November 2011 (Mr Rob Stokes)

## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **Mental Health**

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [3.17 p.m.]: My motion calling on the House to support increased assistance for people with mental illness in our community must be accorded priority because people with mental illness deserve increased assistance. The people of New South Wales need to know that the former Labor Government failed the mentally ill in this State—the most vulnerable people in our State; the people who cannot speak up for themselves and the people they profess to represent. Those bleeding hearts opposite should be ashamed of themselves. Did they understand the pressing needs of the mentally ill in New South Wales? We can only guess, as we do about so many things the former Government did and many things it failed to do. What is worse, if they did understand they failed to act. This motion should be accorded priority because the people of New South Wales must know that this Government, elected in a landslide, understands the needs of people with mental illness in our community, supports them and is acting to increase assistance to them.

The Federal Government's National Mental Health Report 2010 shows there were 600,000 mentally ill people in New South Wales who received no care or treatment during 2010. Members opposite were responsible for ensuring that New South Wales ranked second last in per capita spending on mental health compared with every other State and Territory, according to Commonwealth figures. The people of New South Wales need to know that. Given that one in five people are affected by mental illness, the lack of support and commitment by the former Labor Government is and was shameful. Tackling the problems suffered by the mentally ill is this Government's priority. Sufferers of mental illness deserve increased assistance. This Government recognised how urgent the issue of mental health is in New South Wales and the importance of supporting people with mental illness.

This House should support providing increased assistance and recognise and welcome the Government's support for people with mental illness. The people of New South Wales need to know that the former State Labor Government failed them but that this Government is on the job. It is easy to see why under the former Government New South Wales residents were not receiving the commitment to mental health treatment they deserved. Experts in mental health labelled the system that the Government inherited as being in crisis. The 2010 Australian of the Year, Patrick McGorry, labelled the health system left by the former Labor Government as being long overdue for reform—diplomatic words for a shambles.

Prior to the election, the Liberal-Nationals established the Restoring Mental Health Taskforce, which found that the then Government's spending on mental health was poorly targeted, badly reported and had little accountability—not a novel concept when it comes to Labor. That is why this motion should be accorded priority. The public should know that too many mental health patients were ending up in hospital emergency departments and that early intervention for mental health sufferers was missing in action—like the former Government. It was obvious that New South Wales mental health services needed urgent reform. The inaction

on management by the previous Labor Government created a crisis in mental health and that is why this motion to support increased assistance must have priority today. This House should welcome that increased assistance and the Government's support for vulnerable members of our society.

The motion should be accorded priority so the people of New South Wales can know that at last they have a government that understands and acts on these issues. Government members are out there, talking and, more importantly, listening to those affected by mental health issues—the sufferers, their families, medical practitioners and nurses. This motion should be accorded priority because in the Government's first budget, released in September, we increased spending on mental health services by over \$100 million. We doubled the capital spent in our first year to up to \$130 million compared with the former Labor Government. This House should welcome increased support for the most vulnerable people in our community—those with a mental illness. The people of New South Wales need to know this and that is why the House should accord the motion priority today. These vulnerable people deserve our support. This motion should be accorded priority.

### **Police Resources**

**Mr NATHAN REES** (Toongabbie) [3.22 p.m.]: For those who came in late, those opposite cut the recurrent budget for mental health. Our motion deserves priority because this week the Government, in a brazen attempt to override the will of the NSW Police Force and members of the other place, is seeking to jam through legislation in the upper House that will strip away entitlements for police men and women across New South Wales who are injured or killed in the line of duty. On top of that, upon coming to power the Government commissioned a report by Peter Parsons that we understand has already been furnished to the Minister for Police and Emergency Services.

Contrary to the contract that Barry O'Farrell held up with much fanfare as he went to the polls on 26 March this year, saying, "We commit to greater transparency, to greater openness and to greater accountability", that report is being sat on. The Parsons review—a review that is critical to the ongoing resourcing of local area commands across New South Wales—was commenced months ago but it has been sitting in the office of the police Minister. This is the latest in a long line of debacles arising in the management of policing in New South Wales since 26 March.

On ascending to government, members opposite inherited the largest police force in Australia and the fourth largest in the world, with crime stable or falling in 17 out of 17 categories and exemplary leadership from Commissioner Scipione and the executive team. In November—not many months later—we have the Police Integrity Commission at war with its own inspector and five out of 17 crime categories deteriorating. These include stock theft, the trading and production of amphetamines, and domestic violence. The good name of the New South Wales Crime Commission has been blackened by the activities of Mark Standen. We have had a blatant refusal by the Government to recognise that the investigations that Mark Standen was involved in are tainted and that innocent people may be in jail. The Government has refused to acknowledge that and has allowed the Mark Standen case to tarnish the reputation of the entire New South Wales Crime Commission.

In Holroyd we have drive-by shootings every second day and the response from the member for Granville is, "Well, if they are not shooting at people, we are not too worried about it". That is not good enough, and local people are worried about it. We have had a commitment from the Government of 500 additional police officers but it has refused to acknowledge that that will not keep pace with population growth in New South Wales over the next four years. We have the secret Parsons report and the attack on the death and disability scheme for police officers in New South Wales, which is further dismantling public trust and the credibility of the police force under the new Government.

It has to be said that many of these changes and much of the secrecy, lack of transparency and fudging of figures around authorised versus actual strength are being driven by the Treasurer and Treasury. The Treasurer has his hand up the back of the Minister for Police and Emergency Services. As the Minister seeks to manage the Police portfolio, the Treasurer has his hand up his back saying, "Cut the schemes, cut the death and disability scheme, fudge the numbers, hold back on the replacement of vehicles, hold back on the refurbishment of offices; do not give the police what they need to keep our streets, our homes and our State safe." The man with a cash register for a heart is writing Police policy instead of the Minister for Police in this State who is a former police officer with far more knowledge of policing than the Treasurer.

The Treasurer would have Aardvark Security Services administering policing in New South Wales if he had his way, as he outsourced the thin blue line at the urging of the technocrats in Treasury. The Treasurer is

a slave to the technocrats in Treasury and the Minister for Police and Emergency Services is seeking to make a silk purse out of the sow's ear that has been issued to him by the Treasurer of New South Wales. Yesterday we saw 5,000 men and women from the NSW Police Force rally outside Parliament. I received an email from one yesterday, which states:

Dear Mr Rees, I'm sorry for voting for Barry last time but I will vote for you from now on. HELP!

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

## **MENTAL HEALTH**

### **Motion Accorded Priority**

**Ms GABRIELLE UPTON** (Vacluse—Parliamentary Secretary) [3.29 p.m.]: I move:

That this House supports increased assistance for people with mental illness in our community.

As I mentioned in my speech in support of priority, this Government inherited a mental health system in crisis. One in five Australians struggles with mental illness—an issue that should be addressed by every Government. Last year, according to Commonwealth Government figures, 600,000 New South Wales residents with mental health issues received no treatment. The previous Labor Government ignored thousands of residents and their families suffering with mental health issues. In contrast, this Government's commitment and approach to investing in services and infrastructure to assist those with mental illness should be recognised by this House. During the election campaign we committed strongly to making a bigger investment in mental health services. We committed to establishing a Mental Health Commission and to quarantining funding for mental health from the overall Health budget.

We doubled State funding committed to building mental health infrastructure across New South Wales. Residents of the Vacluse electorate, which I represent, are beginning to see the benefits of that important commitment. Last Thursday, 18 November, the Minister for Health visited the Prince of Wales Hospital, Randwick, to announce the start of construction of the new Mental Health Intensive Care Unit—a welcome addition to the Prince of Wales Hospital. The Government is spending \$15.4 million on these new facilities to benefit mental health patients in south-eastern Sydney. While that facility is located in the Coogee electorate of my colleague Bruce Notley-Smith, the Prince of Wales Hospital is the closest hospital for Vacluse residents.

It is essential to the health and wellbeing of Vacluse residents that facilities at the Prince of Wales Hospital can treat mental illness using best practice. This new facility is a first for south-eastern Sydney. It will include 12 bed units for short-term intensive care and treatment for patients who require a higher level of care than is generally available in adult acute mental health units. By locating the unit with the Prince of Wales Hospital Randwick campus, this Government is also supporting links between teaching and research to improve how mental illness is treated in New South Wales. Work on the new facility is expected to conclude by the end of 2012. The O'Farrell Government is getting on with the job of improving services for the most vulnerable in our society.

Families touched by mental illness in my electorate of Vacluse and in other eastern Sydney electorates require as much assistance and support as possible. Sadly, the Vacluse electorate includes one of Australia's most notorious suicide hot spots—the Gap at Watson's Bay. The Gap is a stark reminder of the importance of the treatment and management of mental illness as 50 suicide deaths occur there each year. As the member for Vacluse I am proud of this Government's early commitment to investing in mental health treatment. We want to improve the lives of those impacted by a mental illness. We are delivering on this commitment in a number of ways, some of which I have outlined already.

In addition, the 2011-12 budget included a record increase in spending in this State on mental health of just under \$110 million. Our first budget contained a number of new initiatives to increase support to those suffering with a mental illness. We have committed \$2 million for Lifeline's telephone and counselling services, \$3.4 million to improve access to specialist child and adolescent mental health services, and \$1.3 million for medical health research, including the schizophrenia research chair and program, and the Mental Health Clinical Academic Research Program. This is additional to our commitment to introduce a mental health commissioner

to implement reforms made so necessary by the previous Labor Government's seeming inaction on this issue. Our commitment was welcomed by those in the mental health sector. Professor Patrick McGorry said that this Government's commitments could:

... increase accountability and encourage greater use of holistic evidence based models of care that deliver real positive outcomes to people with mental ill health, their families and the wider community.

Professor Gordon Parker, who is soon to retire as Executive Director of the Black Dog Institute, said:

The establishment of a Mental Health Commission to focus specifically on mental health care is long overdue ... Hopefully we can look forward to a new era where we focus more resources on where they are most needed.

After making such strong commitments, this Government is getting on with the task of focusing on providing these resources. That is why it is committed to starting construction on the new Mental Health Intensive Care Unit at the Prince of Wales Hospital that will benefit many families in the Vacluse and Coogee electorates. The Government also committed to a record increase in mental health spending in its first budget to deliver a number of new initiatives. Much more needs to be done on mental health; the task is never complete. This involves supporting the great research of our many institutes.

The Black Dog Institute and the neuroscience research institute at the Prince of Wales Hospital campus are undertaking clinical and scientific work that needs further support. Through the new Mental Health Commission we will have the tools to keep improving the services provided to mental health sufferers and their families. That is why this House should recognise and congratulate the Government on its investment in mental health treatment and management, particularly after 16 years of seeming inaction by those opposite. I commend the motion to the House.

**Dr ANDREW McDONALD** (Macquarie Fields) [3.35 p.m.]: This motion is a missed opportunity. It could have been the perfect occasion for both sides of the House to demonstrate to the people of New South Wales that mental health should always be a bipartisan issue. The reality is that one in four women and one in six men will have a significant mental illness during their life. This matter should be above politics. I recommend to all members of this House the wonderful advice given to me by the Hon. George Souris, a great leader of the Parliament. He told me, "If somebody hands you a bucket of mud to read into the *Hansard*, no-one forces you to throw it."

A child born today will have the second-longest life span in the world. Adrian Ford, one of the great social workers of this city, said to me many years ago in a speech I will never forget, "Few of us can know the pain with which many of our people live." About one million people in New South Wales are or will be affected by mental illness at some stage during their life. Since Morris Iemma was Minister for Health and then Premier record budgets have been provided for mental health. However, as the member for Vacluse said, much remains to be done. Mental health has been a bipartisan issue in the past. I have previously paid tribute to John Brogden for his great work as a patron of Lifeline, and I will continue to do so.

As I said, mental health should be above politics. Significant improvements in mental health care over the past few years have seen the emergence of the psychiatric emergency care centre. Before those centres existed, people with mental illness were forced into emergency department general queues where their care was far too frequently suboptimal. Many psychiatric emergency care centres were opened during the last Parliament. Macarthur has Gna Ka Lun, which is a wonderful adolescent mental health unit that was conceived, built, commissioned and now operates in Campbelltown.

Health budgets have received significant increases in the past, and over the term of the previous Labor Government received a 141 per cent increase. Significant increases were made in mental health bed numbers and community resources, such as the Housing Accommodation and Support Initiative. The Black Dog Institute commenced in 2002 emanating from the Mood Disorders Unit at the Prince of Wales Hospital. Politics is not about what you say in this place with two people watching from the public gallery; it is about what you do. Every person in this State will see over the next few years whether this Government's rhetoric is followed by real action in the mental health field. The Government claims to have increased the Mental Health budget by an enormous amount. We believe it has suffered a \$69.9 million real funding cut. What politicians say is irrelevant; what matters is having access to mental health care when needed.

Various initiatives in the Macarthur area such as headspace have meant that in my experience we have never had such good access to mental health care for young people than we do at the moment. We are now able to refer young people for rapid mental health care. This health care is available to everybody. For example, 9 per cent of the clients at headspace in Campbelltown are indigenous even though only 2.9 per cent of the

population of Macarthur identify as indigenous. Headspace is not only providing a wonderful service to the people of Macarthur but it also helps those at greatest risk. Last week the member for Campbelltown and I attended an excellent seminar on navigating teenage depression, which was organised by Macarthur Rotary. That seminar proves that mental health is every one's business. Mental illness typically begins between the ages of 18 to 24 and depression is now the number one health disorder in Australia.

From 18 to 24 years of age suicide is the number three cause of death and exceeds motor vehicle accidents as a cause of death in Australia. Between the ages of 11 and 12 there is a period of rapid brain maturation after which there is a period of pruning and change in the brain architecture in the frontal lobes. This proves that adolescence is a vulnerable time for the development of mental illness. The headspace centre in Macarthur is vital for the provision of mental health care to young people when they require it. A good example of this is eheadspace, which is open from 1.00 p.m. to 1.00 a.m. when—as all of us who have young people in the house know—they are awake. This provides anonymous online counselling with trained counsellors at Parramatta.

Indicators of depression in young people are sometimes difficult to pick. It may present as social withdrawal, irritability, a fall of grades and risk-taking behaviour such as drug use that may be used as treatment for the depression but places young people at greater risk of development of illnesses such as schizophrenia. The use of modern cannabis increases by sixfold the risk of developing schizophrenia. People who have those symptoms need rapid access to health care. The first port of call is the general practitioner, who needs places to refer people to. Headspace, which was commenced in 2006 in Macarthur, is a brilliant service that caters for all forms of mental illness for people between the ages of 12 and 25. The most common forms of mental illness are depression, anxiety and behaviour disorders. Headspace currently averages 180 appointments per week with 10 new clients each day. This State is making enormous improvements in mental health care, but there is still a lot more to do. This is an issue that should be above politics.

**Mr BRUCE NOTLEY-SMITH** (Coogee) [3.42 p.m.]: I support the motion moved by the member for Vacluse. One of the most encouraging developments in mental illness is that we are talking about it in the House. We have come so far in the past few years in recognising this debilitating condition that ruins lives and families, and impacts the community and economy. Parliamentarians' recognition of mental illness may be late in coming, but it is vital if we are to be leaders in our communities in removing the stigma associated with mental illness and ensuring that those who need treatment seek it. I congratulate the new Government on its strong commitment to improving the lives of those who suffer with mental illness.

This Government has wasted no time in delivering on its election promise to change the way in which we diagnose, treat, cure, and hopefully prevent mental illness. The most significant accomplishment of this Government is the establishment of a ministry for mental health. Last month this Government established Mental Health Month to recognise all those who contribute to this important field. A mental health task force has been established and by July 2012 New South Wales will have a mental health commission to ensure the future funding of mental health. Last week the Minister for Mental Health and the Minister for Health were at the Prince of Wales Hospital to witness the commencement of this Government's \$15.4 million investment in a mental health intensive care unit at the Prince of Wales Hospital.

The member for Macquarie Fields made some inaccurate assertions about the budget, probably because he has not correctly read the budget papers. As the member for Coogee I welcome this additional funding for an important facility that will complement the existing inpatient facilities for mental health at the Prince of Wales Hospital. The hospital has a long history of treating mental health patients dating back to World War I. Today the hospital is home to the Black Dog Institute, which recently celebrated its tenth anniversary. It was founded by Professor Gordon Parker, as the member for Vacluse mentioned. The Black Dog Institute has pioneered alternative methods of diagnosis and treatment in mental disorders and has become a centre of excellence in the treatment of bipolar disorder.

**The SPEAKER:** Order! I remind the Leader of the Opposition that he is on three calls to order. I am sure he would like to stay in the House for the rest of the afternoon.

**Mr BRUCE NOTLEY-SMITH:** I take this opportunity to remind the House of the major commitments made by this Government to the Coogee electorate for the Prince of Wales Hospital since coming to office. In September this Government committed more than \$50 million for projects at the hospital including funding for this important facility. The Prince of Wales Hospital neuroscience department received \$6 million and \$1.2 million was committed for an additional five doctors in the emergency department, which is critical for

triage of admissions. The Eastern Suburbs Medical Health Service is responsible for the provision of public mental health services to residents within the Coogee and Vaucluse electorates that cover the four local government areas.

Over the past few years mental health services at the Prince of Wales Hospital have been stretched to the limit. Between July 2010 and June 2011, 1,229 patients were treated as mental health patients at the Prince of Wales Hospital, which involved 1,197 episodes of overnight care. The average age of the mental health clients was 42—which is disturbing—with 75 per cent of them aged between 16 and 50 years of age. There is a huge need and this Government is meeting that need by stepping up to provide long-needed overdue services. *[Time expired.]*

**Ms NOREEN HAY** (Wollongong) [3.47 p.m.]: I am very disappointed with the contributions to this debate. Both the member for Vaucluse and the member for Coogee have spoken only about the eastern suburbs. As members from this side of the House said earlier, mental health has always been treated as a bipartisan issue in this place. It is disappointing to see that those opposite attempted to use this issue to score political points. I find it offensive that the member for Vaucluse would stand in the House and condemn the Labor Government's commitment to mental health. The member for Vaucluse is new to this place, so I will extend her some latitude. I have experienced a suicide within my close family and long before coming into this place I have been active in supporting improvements to mental health. I have supported the recognition of mental health issues and the removal of the stigma attached to mental health.

It is disgraceful and disgusting for a Government member to try to score points in this Chamber by making comments about Opposition members in relation to mental health issues. The O'Farrell Government has cut real funding to mental health by \$69.9 million. Those opposite talk about all their great plans for the future: let us see some of them. I was a member of this place under former Premier Iemma Morris, who was also a former Minister for Health, and I can say that the greatest increases in investment to mental health came under the former Labor Government. The member for Vaucluse and other Government members have tried to take credit for funding increases when, in fact, the Government has made a real cut to funding in the serious area of mental health. They have been political pointscoring—

**Mr Greg Smith:** Settle down.

**Ms NOREEN HAY:** You started it by using mental health for political pointscoring.

**Mr Greg Smith:** Stop making it personal.

**Ms NOREEN HAY:** It is personal.

**Mr Greg Smith:** You are making it personal.

**Ms NOREEN HAY:** It is personal when you suggest that only you care about mental health. How dare you devalue every other member in this Chamber. The O'Farrell Government's first budget hit mental health services hard with a real funding cut, as I said, of more than \$69 million. To meet rises from inflation, the O'Farrell Government needed to spend an extra \$45 million. Instead, it cut funding to mental health services by \$24.6 million. The Coalition made a lot of noise before the election about delivering in this important area, but it has delivered a real cut in funding in its first budget. It is deeply concerning to have a government that not only cuts mental health funding but tries to spin that it is delivering a funding increase. It is making cuts to the most vulnerable in our community. As a result of funding cuts, police officers who may be suffering from mental health problems will be put under duress and suffer additional stress. The Attorney General may not realise that stress adds to mental health problems, which leads people to committing suicide—an issue that was raised by the member for Vaucluse—which hurts families, children and communities. The member for Vaucluse should hang her head and not pay attention.

**Mr Greg Smith:** There has been no attempt to trivialise suicide.

**Ms NOREEN HAY:** You trivialised suicide by using it for political pointscoring.

**Mr Greg Smith:** We did not.

**Ms NOREEN HAY:** You used it.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Wollongong and the Attorney General will direct their comments through the Chair.

**Mr Greg Smith:** Through you, Mr Deputy-Speaker—

**Ms NOREEN HAY:** The Attorney General cannot make comments sitting at the table. He must take a point of order. The Labor Government made the greatest investment increases in mental health under former Premier Iemma and former health Ministers. I commend the Government for its initiatives during Mental Health Month and all it may do for mental health. I will not support cuts to mental health funding and attacks on members on this side of the House. Members on this side have a genuine commitment to dealing with mental health.

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [3.52 p.m.], in reply: I welcome the opportunity to summarise the debate on the motion accorded priority, which is that this House supports increased assistance for people with mental illness in our community. I thank the member for Coogee, the member for Campbelltown, the member for Macquarie Fields and the member for Wollongong for their contributions to the debate. The issues that have been raised today are important because mental illness affects not only the individuals who have a mental illness but also their families and the broader community. That is why the Government has stepped up its level of programmatic planning for and capital funding in mental health.

I recognise that all members of this House, as recorded in *Hansard* today, see mental illness as an important issue and acknowledge the need to improve services for both the sufferers and their supporters in the community. This Government is committed to increasing expenditure on mental health and supporting families touched by mental illness. It is clear from this debate that the Government is making a record investment by providing infrastructure and services to families touched by mental illness in New South Wales. Opposition members say that the 2011-12 budget has cut spending on mental health in real terms. They say they are not playing politics, but they are. It has become clear in this debate that the Opposition does not know how to read the budget papers. In calculating a loss the Opposition is not only including the \$60 million blowout in mental health spending that it was responsible for in 2010-11 but it is also deducting capital expenditure from the record \$108 million increase in services that this Government is providing in the latest budget. The budget papers do not include capital expenditure in total expenses. I set the record straight in that regard.

I refer to the breakdown of this Government's increase in mental health spending. We have increased expenditure on employee-related expenses by \$80 million and program operating expenses by \$60 million. I will compare these figures with the previous Government's commitment in the 2010-11 budget. Capital expenditure, including the investment at Prince of Wales Hospital in acute care, has increased by \$68 million, more than doubling the commitment made by the previous Government. This House should recognise and celebrate this as a demonstration of our commitment to those who suffer from mental illness by providing them with the support and medical services they need to ensure that they have the best care during very difficult times. This is a record increase in government expenditure and almost doubles the \$60 million increase in the 2010-11 budget.

The failure of the former Labor Government to commit to the same level of funding for mental health as that provided by the Liberal-Nationals Government is the reason mental health services were so depleted when we took office earlier this year. The impact of the former Government's neglect in this area was felt across the health sector. According to the Australian Bureau of Statistics, Labor closed 78 public psychiatric hospital beds from June 2002 to June 2008 and, despite a growing demand, the number of public mental health beds per 100,000 of the population dropped from 18.8 in 2001 to 17 in 2007-08. As I have said, this Government inherited a system from Labor under which 600,000 people in New South Wales who had a mental illness in 2010 did not receive treatment for their illness. That is the situation the Government was faced with and why we are getting on with the job, as we have spelt out today, of providing services and infrastructure for the treatment and management of mental illness.

The member for Coogee spoke on the importance of mental health services at Prince of Wales Hospital for residents of the electorate of Coogee. I am pleased that the people of Coogee and those in my electorate of Vaucluse are starting to see real outcomes from this Government's commitment to mental health care through the soon-to-start construction of the \$15.4 million Mental Health Intensive Care Unit at Prince of Wales Hospital. This facility also will be of great benefit to the residents of Vaucluse, who rely on the Prince of Wales Hospital as their primary source of emergency and hospital care. As I have outlined, this facility is only part of what this Government will deliver to improve mental health services. I commend the Minister for Health and the Minister for Mental Health for their initiatives in that regard.

The Government is proceeding with its strong commitment to implement a mental health commission and to set up a task force—which has already met—which will recommend how the commission can best be utilised. The mental health commissioner will oversee our reform agenda for mental health services. It is clear that more needs to be done and the Government is committed to delivering on reforms and expenditure to support those in society who most need our assistance. Given that one in five New South Wales residents suffer from a mental health illness, reforms to this sector are vital. That is why the ongoing support for people with a mental illness by this Government should be welcomed and why this debate today has been so important. I thank members for their contributions.

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

**Motion agreed to.**

**Pursuant to resolution the House proceeded to consider the motion of no confidence.**

## **MINISTER FOR THE ENVIRONMENT, AND MINISTER FOR HERITAGE**

### **Motion of No Confidence**

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [4.00 p.m.]: I move:

That the Minister for the Environment, and Minister for Heritage no longer enjoys the confidence of the House given she:

- (1) Failed to inform the public for more than 54 hours of the hexavalent chromium leak from the Orica chemical plant at Kooragang Island on 8 August 2011.
- (2) Failed to inform the public for more than 24 hours of the ammonium nitrate leak from the same Orica chemical plant on 9 November 2011.
- (3) Neglected to speak to any representative of Orica about these extremely serious threats to public safety, including CEO Graeme Liebelt, who tried to contact her on at least three separate occasions.
- (4) Has admitted that she does not read documents before she signs them in her capacity as Minister.
- (5) Has demonstrated that she has no understanding of the legislation in her portfolio during budget estimates hearings.
- (6) Has lost the confidence of the people of New South Wales and is clearly incapable of performing her duties as Minister for the Environment, and Minister for Heritage.

Moving a motion of no confidence in the Minister for the Environment, and Minister for Heritage, Robyn Parker, is not a step that I take lightly. A motion of no confidence is the most serious form of censure available to this Assembly. However, this Parliament is confronted with a very grave set of circumstances. The Minister—no doubt a good person away from this place—is clearly in way over her head and is incapable of discharging her responsibilities. If there is nobody else prepared to act, if the Premier has no decency and the Minister no shame, then this Parliament must act.

This is a Minister for the Environment who took 54 hours to notify the people of Stockton that they had been exposed to hexavalent chromium—a hazardous chemical that causes skin irritation, respiratory problems and even cancer. Three months later she took more than 24 hours to notify the people of Stockton that they had been exposed to 900 kilograms of ammonia. This is a Minister who has failed to disclose vitally important health information and a Minister who sat on warnings back in August that parts of Stockton were blanketed in red- and yellow-stained residue, but did nothing. She did nothing for 54 hours as innocent children continued to play at the Stockton Early Learning Centre. She did nothing for 54 hours as residents plucked fruit and vegetables from their gardens and put clothes on washing lines.

Minister Robyn Parker has acknowledged that Orica's 16-hour delay in informing the Government of the 8 August incident was "totally unacceptable". The Premier even said it was "not only ridiculous but downright dangerous". But if a 16-hour delay in informing is unacceptable and downright dangerous, why has nobody paid the price for the Government's 54-hour delay? The Premier's own words make the Minister's position untenable. This is a Minister who will give a different version of events depending on what day of the week it is; a Minister who is running a completely dysfunctional office; a Minister who, by her own admission, was not copied on vital departmental email lists; a Minister who unbelievably failed to respond to not one, not



two, but three phone messages from the head of Orica, Graeme Liebelt, between 16 August and 18 August; a Minister who three months later had no idea who the head of Orica even was. This is also a Minister complicit in a cover-up.

On Monday it was revealed that eight Stockton residents rang the Government's hotline to complain of health effects ranging from rashes to respiratory problems. If it was not for the inquiry demanded by the Opposition this information never would have been disclosed by the Government. Indeed, the Government has always claimed there were no adverse health impacts from the Orica spill. Let us sum up. In Robyn Parker the O'Farrell Government continues to harbour one of the most hopeless, incompetent and negligent Ministers this State has ever seen; an environment Minister who, when disaster strikes, does not see it as her job to issue environmental warnings; a Minister who is awful one day and just atrocious the next. While this is a motion of no confidence directed at the Minister for the Environment, it also raises grave concerns about the Premier—a Premier who, after just eight months in office, now has us wondering what has happened to his moral compass. The promise of a new era of accountability, that was a key plank of the contract with the people of New South Wales—

**Mr Greg Smith:** Point of order: My point of order is relevance. The Premier is not the subject of this motion.

**The SPEAKER:** Order! The Minister is correct. The motion is quite specific and the Leader of the Opposition should argue the points contained in his motion. I uphold the point of order.

**Mr JOHN ROBERTSON:** It is time the Premier gave this matter his attention.

**The SPEAKER:** Order! I have asked the Leader of the Opposition to stick to the terms of the motion.

**Mr JOHN ROBERTSON:** It is time for the Premier to remove the millstone of a Minister from around the neck of this Government and put an end to this humiliation where every doorstep interview she gives turns into a cabaret act. For each day Robyn Parker is kept as a senior Minister in the O'Farrell Government Cabinet the Premier is complicit in her negligence and indifference to the people of the Hunter. If the Premier has any standards left at all he will sack Robyn Parker. It is worth recording the incompetence of this Minister in some detail. Orica reported the leak of the hexavalent chromium at 10.30 a.m. on Tuesday 9 August. The public found out about it at 3.27 p.m. on Thursday when the Minister for the Environment—we all remember this—belatedly snuck in a statement just before the House concluded for the week.

The chronology of events is clear: The company reported the leak to the Government within 16 hours, the Government then took another 54 hours to inform the public. The Government took more than three times as long to inform the public as the company took to inform the Government. The leak happened on the Monday, yet children played at the Stockton Early Learning Centre on the Tuesday, Wednesday and Thursday. Finally, on Friday, industrial strength water hoses were mobilised to decontaminate the area. The children of Stockton potentially rolled around in hexavalent chromium residue for three whole days before the Minister for the Environment even bothered to act.

Late Thursday the Minister for the Environment warned Stockton residents not to eat homegrown fruit and vegetables or let their kids play outside. But if the risks were so serious why did the Minister not issue this warning on Tuesday or Wednesday? Of course, a lack of competence is far from this Minister's only failing. The reason she has lost the people's confidence is her total lack of credibility. With every utterance, with every obfuscation and with every jittery attempt to change her story this Minister has sunk further and further into the quicksand. Who could forget that on Friday 12 August the Minister said she first learned of the Orica leak the previous Tuesday? Then on Saturday 13 August she said she first learned of the leak on Wednesday. Then just this week the Minister's story changed again. Under questioning at the parliamentary inquiry she blurted out that she had been informed of the leak some 30 hours after it occurred.

Out of this fog of confusion we accept the Minister's most flattering story. We know that on Wednesday 10 August she was emailed an alert from the Office of Environment and Heritage that yellow- and red-stained residue had fallen over parked vehicles and other surfaces in Stockton. She was explicitly warned that it was hexavalent chromium. She was explicitly warned it was hazardous. She was explicitly warned that nobody had informed Hazmat to activate the State's emergency response. Yet still she took another 24 hours to act. She pressed the snooze button and went to sleep. The Minister has claimed that it is not her role to inform the public of major environmental incidents. She says Orica was out there, as if that

should have enabled the people of New South Wales to breathe a huge sigh of relief. The fact is that the Minister relied on rumours that Orica had started doorknocking and she took no steps to ensure that was true. Days later she airily announced:

People were informed when they needed to be. The right processes have been in place all through this.

Try telling that to the teachers and students at Stockton Public School. In its submission to the parliamentary inquiry the school principal completely ridiculed the claim. The principal stated:

We have never to this day been officially informed of the release of this chemical into our community by Orica. No official call was made to our school or principal, we relied upon the media for information.

We believe the Government did not take responsibility for the people of Stockton, because they did not inform the community for 54 hours. This, in our opinion, is negligent and we believe the Ministers did not take responsibilities for their portfolios.

We come to the events of 9 October where the environment Minister showed that when it comes to mindboggling incompetence she is indeed a serial offender. This was the afternoon that Orica released 900 kilograms of ammonia into the atmosphere between 2.15 p.m. and 3.38 p.m. Two rail workers were hospitalised suffering breathing difficulties. Again the Minister sat on her hands. There was no communication, no doorknock, no posting on a website—not so much as a press release. As they went to bed on the night of 9 October the people of Stockton were left in the dark all over again. It was only the next day—some 24 hours after the incident—that the Minister fronted the public.

The people of New South Wales can only take so much. In recent months we have seen the Minister's complete ignorance of her portfolio, her ludicrous statement in budget estimates that "logging protects koalas", her lack of knowledge on key pieces of legislation, her admission that she signs documents without reading them and her humiliating error yesterday, confusing the State's environmental hotline with the 131 500 transport number. This Minister is utterly dependent on senior bureaucrats in the Office of Environment and Heritage to answer even the most basic of questions. Imagine four whole years of competent bureaucrats enlisted to prop up this incompetent Minister's political casket. Behind their poker faces what must they be thinking? The toughest, most stressful job in Government right now has to be that of the bureaucrat responsible for whispering the answers to the Minister for the Environment.

That person really needs to be on top of their game because this Minister's ignorance of her portfolio truly knows no bounds. Just imagine not knowing who Graeme Liebelt is. He is the head of a major company impacting on the environment portfolio. How can the Minister hope to convince the public that she is getting tough on Orica when her phone has been switched off for 100 days and when she did not think it was important enough to answer three phone calls from Orica? Why did she tell the people of New South Wales that she was "in touch with Orica all the time" when it is now clear that she had not been in touch with the company at all?

Minister, why are you yet to visit Stockton to look the people in the eye? Why have you been to Lord Howe Island but not Kooragang Island? If the people of New South Wales need an environmental crusader—or even someone with a remote clue of what is going on—they would be better served by picking someone randomly out of the phone book than relying on this Minister to stand up for the environment in New South Wales. Day by day the Minister has put in a shocker. She has failed in her duty of care.

**Mr Brad Hazzard:** Point of order: The standing orders permit the member to broadly address issues that are set out in the motion; they do not give him carte blanche to treat fellow members of Parliament with rudeness and ignorance. I ask that you direct him to desist in the ignorant way he is approaching the matter at the moment.

**The SPEAKER:** Order! That is not a valid point of order. During the substantive motion the Leader of the Opposition has the right to debate in the manner in which he is, as long as he remains relevant to the motion. At the moment he is doing that.

**Mr Brad Hazzard:** He cannot possibly have carte blanche.

**The SPEAKER:** Order! He does in fact have a certain amount of carte blanche.

**Mr Brad Hazzard:** Point of order: He has to stick to factual matters.

**The SPEAKER:** Order! I have ruled on that point of order. The Leader of the Opposition has the call. The Leader of the House will resume his seat.

**Mr JOHN ROBERTSON:** Day by day the Minister has failed in her duty of care. She has put the community's health in danger. Every member of the Government knows that she does not deserve to be the environment Minister.

**Mr Brad Hazzard:** Point of order: I am reading very carefully through paragraphs (1) to (6) and I see nothing at all that allows this member to continue with his diatribe of rude, inaccurate and arrogant attacks.

**The SPEAKER:** Order! It is not my position to judge on whether something is factual or not. The Leader of the Opposition has the call.

**Mr Greg Smith:** Point of order: The Leader of the Opposition said "every member of the Government knows". He cannot assume what members of the Government think.

**The SPEAKER:** Order! That is not for me to determine either. The Leader of the Opposition has the call. The member's time has expired.

**Ms ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [4.15 p.m.]: In the words of the erudite Paul Keating, the Leader of the Opposition is the banshee on the run. That is who we have heard from. To go on with Paul Keating's words, he said that the conscientious business of governance can never be founded in a soul so blackened by opportunism. Who was Paul Keating saying those words about—the Leader of the Opposition. That is in the letter he chose to send to the Leader of the Opposition on the occasion of his election to the other House in 2008. The Leader of the Opposition's opportunism has never proved more desperate and more lacking in principle than Mr Keating could have ever thought. When the Leader of the Opposition was Minister for the Environment he gave the people of New South Wales nothing but failed politics.

**The SPEAKER:** Order! The Leader of the Opposition will come to order. For the most part members were silent while he was speaking.

**Ms ROBYN PARKER:** The Leader of the Opposition has given the people of New South Wales nothing but stunts. He has talked about phone calls and phone books. This is all about phone calls. It is all about those opposite making phone calls to get the numbers. The member for Toongabbie is calling the member for Keira. He is making sure that he is in touch because it is coming up to Christmastime. It is obvious what is going on. All of those people are working the numbers because—

**Mr Michael Daley:** Point of order: This is a narrow motion. The Minister is going way off the terms of this motion. It is not about the Leader of the Opposition; it is about her performance.

**The SPEAKER:** Order! I ruled on the ability of the Leader of the Opposition to speak to his motion. It is now the Minister who is replying to comments made to her. She is quite within her rights to do so. The Minister has the call.

**Ms ROBYN PARKER:** This is all about phone calls. I suggest the Leader of the Opposition should pick up the phone to Sussex Street, because that is what it is about. It is about somebody in the other place looking for a seat in this House.

**The SPEAKER:** Order! I remind Opposition members that several of them are on calls to order from question time. I will have no hesitation in ejecting them from the Chamber if they do not come to order.

**Ms ROBYN PARKER:** Following the 8 August incident at Orica's Kooragang Island facility the first thing the Leader of the Opposition did was pick up the phone. Who did he pick up the phone to—a Hollywood star. He offered her a plane ticket to come to Stockton?

**Mrs Jillian Skinner:** Did she come?

**Ms ROBYN PARKER:** She never turned up. That is how irrelevant he is. The people of Stockton wanted a chance to feel safe again. They wanted the environmental regulator to have its bite back and they wanted a commitment to introduce laws to require industry to report incidents immediately and not when they felt like it. I have delivered on those commitments to put the community first and more. That is the contrast between me and the Leader of the Opposition. Today I tell the Leader of the Opposition that he can continue

with his stunts, scaremongering and petty politics, but he will not stop me from delivering on this Government's commitment to the people of New South Wales. He will not stop me fixing the mess that he and his band of merry men left behind after their 16-year party at the expense of the people of New South Wales. The Leader of the Opposition has tried to make much of Orica's failings on 8 August. Orica has failed. I have said on many occasions that I have acted to protect the community, not to scare it. When I was notified of the incident on Kooragang Island on that Wednesday night I followed the procedures that were in place for responding to such an incident.

I was advised that the correct agencies to be involved in an incident such as this were following the procedures that were in place at the time and all that should be done was being done. Those procedures were put in place by the previous Labor Government; they are the procedures we have fixed. In the first week alone I had taken key actions including asking the Office of Environment and Heritage to redirect resources to put more front-line staff on the ground, issue a prevention notice to Orica to get them to shut down the ammonia plant, brief me on advice from the Chief Health Officer about the health risks, talk to Newcastle council about the incident, contact major hazardous facilities across New South Wales and announce a review into regulatory policy settings. The Orica spill was a clear demonstration of what was wrong with the laws and procedures that have been in place for the past 16 years. They were not satisfactory and I set about changing them.

That is why this Government has passed legislation through the Parliament. That is why we have made changes. I took this incident as a warning that business as usual was not good enough and I took responsibility for fixing the problem. I took action where others have turned a blind eye. This was not the first incident that should have warned an environment Minister that things needed to change. When Mr Foley was asked—the Mr Foley who wants to come in here and be Leader of the Opposition—why Labor had not acted for so long, he said improving the law "wasn't on our radar". How does the Leader of the Opposition justify the failure to the people of Stockton? We know the Leader of the Opposition's own party members in the Stockton branch were so keen to put in a submission to the inquiry that it was submission No. 2. They knew; they had warned the Government. They said in their submission:

The Stockton branch of the ALP has long been concerned about pollution coming from Kooragang Island. Complaints have generally fallen on deaf ears.

They wrote to the Labor Party in 2003 and nothing was done. That is why the Leader of the Opposition must justify this motion by explaining his actions when he was environment Minister. Why did he fail to inform the public? When the Huntsman Corporation plant at Matraville, in the electorate of Maroubra, emitted 685 kilos of ethylene oxide, a toxic gas, into the atmosphere was the member for Maroubra told? At certain levels of concentration it can lead to chronic health impacts on humans. Did the Leader of the Opposition speak to the Huntsman Corporation about that incident? Did he inform the public, did he talk to the chief executive officer, did he pick up the phone? No, he did not.

He failed to inform the public when the Big River Group discharged 6,000 litres of phenol formaldehyde resin into a creek in Wagga Wagga. Did he speak to Big River? Did he pick up the phone? How can he justify his actions? How can he talk? When he was environment Minister there was no action, no talking, nothing. There was no message to the public. However, the public got the message about getting rid of his Government on 26 March. That was a vote of no confidence that we all agree with. When the Leader of the Opposition was a Minister he demonstrated no understanding of his portfolio. I will take the House through one of the gems the Leader of the Opposition gave us.

**Mr Michael Daley:** Point of order: Standing Order 73 is designed for moments exactly like this where imputations of improper motives and all of those characterisations of behaviour that are mentioned in that standing order are allowed to be undertaken by a party who has lodged a motion. If the Minister wants to attack—

**The SPEAKER:** Order! I certainly understand Standing Order 73. The Minister is defending a no confidence motion and is quite within her rights at this stage to behave as she is.

**Ms ROBYN PARKER:** I know members opposite do not want to hear this but I was in the other place at the time with the Leader of the Opposition. In 2009, the Hon. Matthew Mason-Cox asked the Hon. John Robertson the following question:

Will he please outline his responsibilities as Special Minister of State...

The Hon. John Robertson replied:

My role as Special Minister of State is one that has been identified by the Premier to look into the better delivery of services for the people of New South Wales. I am developing that agenda. In due course I will be speaking to the Premier and advising the House on those matters.

He was right across his portfolio, was he not? In a supplementary question he was asked how many staff he had working in his portfolio. He did not know how many staff he had in his ministerial office. The next day he was asked further questions about his portfolio and he realised he was responsible for the rollout of 4,000 government-funded apprentices. The day before he thought he was just developing an agenda to chat to the Premier about at a later date. The Leader of the Opposition had no idea of his portfolio responsibilities when he was a Minister. Let us not waste time going into the details of the Solar Bonus Scheme. In the two months he was the Minister for the Environment he brought us the Solar Bonus Scheme and failed to warn anybody about two major hazardous events. The Leader of the Opposition has tried to confuse the people of New South Wales for his own political gain.

The Leader of the Opposition knows that the Chief Health Officer was responsible for delivering the public health response to the 8 August incident. It is the Chief Health Officer who provides information on public health. Indeed, her media conference had already begun by the time I gave my ministerial statement about the pollution incident. The Leader of the Opposition also knows that NSW Fire and Rescue was the lead combat agency for the incident on 9 November and he knows it put out a media release on the evening of that incident. The Leader of the Opposition ought to know it would be inappropriate for me as a Minister to potentially compromise a prosecution by personally speaking with the chief executive officer of Orica. But to the Leader of the Opposition facts mean nothing and fear means everything. This is all about his trying to be relevant. The Leader of the Opposition thinks he is fooling the people of Stockton with his stunts and scaremongering but I can inform the House about some of the judgements made about the Leader of the Opposition on the *Newcastle Herald* website. Edward wrote:

This is not about political one-upmanship, it is about Australians, your comrades entitlement to work and live in a safe environment.

Terry said:

This is a perfect example of Labor neglect affecting both the environment and the workers.

Ali said:

These incidents finally in the light. Not in Labor's interest to hide them anymore?

Another reader wrote, "Labor do not care about workers they only care about Labor." The community knows that the only person the Leader of the Opposition is interested in is himself. While he has gone on scaremongering I have established the Newcastle Community Consultative Committee on the Environment, which has already held its first meeting. I have had industry and community roundtables. I have been talking to people in Stockton, and they are sick of the Leader of the Opposition and his merry band popping up there to bring them down and confuse them. Business people in Stockton tell me they just want to have a safe environment so that people will come back and spend money in their community and so they can live safely. That is fair and reasonable and that is what this Government is doing. While the Leader of the Opposition pops up the F3 to frighten people we get on and deliver what people in Stockton want—safety, confidence in the Government and assurance that industry around which they live and work is provided with the right mechanisms and knows its responsibilities.

It is industry's responsibility to pick up the phone and inform the right authorities. Our legislation has changed the situation so that they have to do that immediately, not when it suits them. We have doubled the penalties to make sure they do. We have put more information about pollution on the website for the public's information. There is more transparency and community consultation. We have an independent Environment Protection Authority and an independent chair. There are more requirements on industry and 42 hazardous sites are being audited. Kooragang is being audited from front to back. They will not be opening unless it is safe. Those are the things a good environment Minister does. I have not even started on our other achievements. There are pages of achievements. I will just name one—mountain bike tracks. The member for Keira, Ryan Park, is coming to see me shortly because that is such a good achievement he wants one in his electorate.

I am the Minister and we are a Government delivering results for the people of New South Wales. The people of New South Wales voted against Labor in record numbers in the last election because they had lost

confidence that Labor could deliver anything but rhetoric, broken promises and spin, or that Labor could do anything but pick up the phone to confuse and use people. The Leader of the Opposition must use his reply to this debate to explain his actions as Minister for the Environment. We know that he did not take action except to stuff up the Solar Bonus Scheme—but he should explain his failure to take action or to inform anybody about pollution incidents or to even understand what it meant to be the Minister for the Environment. If the Leader of the Opposition cannot explain his actions, his hypocrisy, then this motion will not have a skerrick of credibility.

**Ms LINDA BURNEY** (Canterbury) [4.30 p.m.]: We know that there is no greater issue facing humanity than caring for the environment. We have moved a motion of no confidence in the Minister for the Environment, and Minister for Heritage this afternoon. Those opposite might not take that seriously but one does not move a motion of no confidence unless it is a serious issue. It is not something one does on a whim. The Opposition has taken this action because we are concerned about the competency of the Minister for the Environment. She might think that there is confidence in this House because she has a 69-person cheer squad behind her but let me assure her, confidence is not gained by what is going on in this House but in the community. I know that the community has lost confidence in the Minister for the Environment.

I know that not just because of the meetings I go to but because people have raised it with me, as they have with those opposite if they are honest about it. People ask: What is going on with that Robyn Parker? They are words that I am sure have been said to many of you. It is a serious consideration when one looks—as the Leader of the Opposition has outlined—at the series of events and bungles and mismanagement that the Minister for the Environment has perpetrated over the last four months. But the thing I find most remarkable about the whole situation is the way in which she has continued to take no personal responsibility but has continued to blame everyone else. She has not taken responsibility for what she should have done as Minister for the Environment under these circumstances.

The latest defence is that there was a criminal case pending and that is why the Minister for the Environment could not get involved. That may have been so in the latter part of this sorry saga but there were many things that the Minister could have done at the time. She could have done things such as visiting the childcare centre and being able to recall when she had been to Stockton, or knowing what was produced at Kooragang Island, or knowing the name of the person who runs Orica. As a former Minister I know that those facts would have been seared into any good Minister's brain. But the thing that made me become doubtful was when the Minister could not even name the pieces of legislation she had signed off in the last couple of weeks—and that had nothing to do with the Orica chemical spill.

The public has lost faith, and when the public loses faith in you as a Minister you need to start questioning whether you have the right to hold such a responsible position. The environment is not something to be treated as a second-class thing or to be considered as something where you do not need to get across the detail. The Minister's office should also be held accountable for the way in which this situation has been mishandled. We have had almost four months of obfuscation, of passing the blame, of making mistake after mistake—four months of a Minister who cannot see that she is the problem.

I finish by saying that the New South Wales public, and particularly the people of the Hunter, have lost faith in the Minister. She may have the Premier's protection but that that will not last. The Minister has lost the faith of the people—as much as the Minister wants to laugh about it—and should be embarrassed at her performance and at the way in which she has blamed others. The Minister should feel embarrassed that she has taken no personal responsibility at all for what was a serious chemical spill, one which was handled in an appalling manner by her and her department. [*Time expired.*]

**Mr BARRY O'FARRELL** (Ku-ring-gai—Premier, and Minister for Western Sydney) [4.35 p.m.]: This motion is a stunt. If you want a demonstration that what the member for Canterbury has said is just a load of hogwash, count the number of members on the Labor benches—it got to no more than 12 members. If this were a serious effort by a serious Opposition—which it is not—every member of the Opposition would be in this Chamber backing their leader and deputy leader in this motion. But John Robertson does not have that support in his own party.

**The SPEAKER:** Order! Members will come to order. I remind members that several of them are on calls to order.

**Mr BARRY O'FARRELL:** As the *Newcastle Herald* opined this morning, this motion is a stunt. It is also a gross piece of hypocrisy by those who sat in office and presided over the State's environmental regulations for 12 years and not only did nothing but did worse than nothing.

**Mr Guy Zangari:** What is worse than nothing?

**Mr BARRY O'FARRELL:** Think of what is worse in your mind and triple it. Labor inherited what was an independent Environmental Protection Agency, established by Tim Moore, a former member for Gordon and a former Minister for the Environment. It was an independent regulator that had teeth. It was an independent regulator that, whether you were a member of a community or a corporation or some other entity, you could pick up the phone and ensure that action would take place. It was an entity that, in its first action, did not fine a private sector corporation but a government authority to demonstrate that that independent authority under a Liberal-Nationals Government was going to judge people not by whether they were public or private sector but by whether they complied with environmental regulations. What did those opposite do over 16 years to that Environmental Protection Agency?

**Mr Ray Williams:** Nothing.

**Mr BARRY O'FARRELL:** They did do something—they emasculated it. It is a term that is well-known to The Nationals and to regional members of this place. They took to it as some people take to sheep in the south of the State. The fact is that we ended up with a supine environmental regulator of this State that, under those opposite, failed to protect the environment in this State and failed to protect neighbourhoods like Stockton. As I was asked in the upper House inquiry on Monday, in 2009 something like 650 kilos of toxic material was emitted into the air in Matraville in the electorate of Maroubra. And did a Minister for the Environment under those opposite come into this place and tell the Parliament about it? Absolutely not. That demonstrates the double standards and the lack of independence that the Environmental Protection Agency had.

Under those opposite serial emissions by polluters never came to light. We had the Kooragang Island incident on 8 August and another a week later. I initiated the O'Reilly review and its recommendations strengthened the provisions of the Environmental Protection Agency—which previously said that polluters would only have to notify the authorities "as soon as practicable"—so that notification would be immediate or else polluters would suffer a fine of \$2 million. The O'Reilly review also put in place proposals to increase monitoring and to ensure that there are community consultation committees where communities such as Stockton adjoin industrial centres such as Kooragang Island. We also initiated in our first six months the first major environmental audit of Kooragang Island. That was not done by those opposite in 16 years. That was all done by the Minister for the Environment.

Those opposite do not understand the difference between policy and operation. The role of the Minister and of Cabinet is to set policy. The role of those we employ through the great public service of this State is to implement that policy. It may have suited those opposite, particularly in the planning regime, to put their fingers directly into regulation to help their mates and allies, such as Mr Obeid and Mr Roozendaal, but that is not the way we do things. We have a clear separation between policy and regulation. My final point is that I choose my Ministers on their results, not on their media performance. There will be no more Kim Kardashians or Warwick Cappers on this side of politics. We will leave to others the Kim Kardashians, who look good but deliver disastrous results, and the Warwick Cappers, whose only claim to fame is that they also look good, apparently. This motion is a stunt and will be seen as a stunt. A vote is not needed for that. *[Time expired.]*

**The SPEAKER:** Order! Members leaving the Chamber will do so quietly.

**Mr CLAYTON BARR** (Cessnock) [4.41 p.m.]: It is interesting: the Premier and the Minister bemoan on one hand the performance of the previous Government, yet say on the other hand how that level of performance sets their level of performance. Which is it? The previous Government was terrible or those opposite are terrible? Make up your minds. This House cannot have confidence—

**The SPEAKER:** Order! Government members will come to order. The member for Cessnock has the call.

**Mr CLAYTON BARR:** The people of the Hunter are honest, hardworking and fair. They fully understand that their political representatives are human and occasionally make mistakes. In return they ask those representatives to show that same honesty, hard work and fairness for which they strive. They want to know that Government Ministers will put the public's needs first. The unfortunate series of events involving the Orica plant on Kooragang Island has led the people of the Hunter to question whether this Minister for the Environment possesses the qualities of a Minister. That is the crux of this motion. I begin with honesty. The Minister has made much of the 16 hours it took for her department to be notified of the original leak. She said

that it exposed a flaw in the legislation. I agree entirely if that is true and moves have been made to fix that legislation. I accept that and I am sure the people of the Hunter accept it too. But if 16 hours is a calamity, as the Minister said, what is 54 hours? If the legislation is to be blamed for the 16-hour wait, who is to blame for the 54-hour delay?

It is all well and good to change legislation to require a department to be notified more quickly, but how do we fix the fact that once the Minister was notified of the leak she sat on the information for so long? That definitely is a calamity and can be fixed only by changing the Minister. It is astonishing that when the ammonia was leaked just two weeks ago the Minister again failed to inform the public. What were the people of Stockton to think? They heard the sirens, they saw the flashing lights and when they looked across the harbour they saw emergency crews at the Orica plant. Again there was no mention, no word, nothing from the Minister for 24 hours—another calamity. While Stockton residents wondered, the Minister laid low and hoped it would go away. The fact is that the Minister for the Environment has not been honest with the people of Stockton throughout this process. If she had been, this problem would not be anywhere near the size it is today. In an attempt to avoid the fuss and blame she breached the trust of the electorate. Given the scale of this saga, it is difficult to see how that trust can be repaired and honesty reclaimed.

If the Minister had simply said, "I got it wrong and I won't let it happen again" this all could have gone away quite some time ago. It is true, as the Premier said a few weeks ago, that everybody has bad days. We all have them. The people of the Hunter understand that. They expect Ministers to forget a name or a number from time to time, or to mispronounce a word. If anything, that proves that they are human. However, the Minister's performance over the length of the Orica saga has gone beyond a mere bad day. It is evidence of a Minister not in command of the situation. The people of Stockton are upset with the Minister's apparent failure to put their needs first. Moreover, they are upset that these failures have been followed by blame-shifting and a failure by the Minister to put up her hand and say, "This is my responsibility." She has never taken ownership or control of matters. That is why the residents are angry and, on the facts, it is difficult to disagree with them. Beyond this, the people of Stockton are angry because they feel they have not been treated with basic fairness, dignity and respect. They believe their health has been left in serious danger for the sake of avoiding political cost.

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

**Mr CLAYTON BARR:** There is nothing fair about allowing children to play freely at an early childhood centre for three days after a chemical leak. There is nothing fair about standing in this Chamber and declaring that a hazardous substance had been leaked, only to spend the following days retreating from that definition. The Minister believed in her heart and mind that a danger existed but did nothing. If the Premier is serious about ministerial standards he will not accept that the Minister's performance is satisfactory and will remove the Minister from her portfolio. [*Time expired.*]

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [4.46 p.m.]: I have seen many motions in this place but this has to be one of the weakest stunts in creation and delivery. Having watched John Robertson today, I do not wonder that he has the support of about 20 members of Parliament on a good day and about 12 on a bad day because, as the Premier indicated, most of them do not want to be here anymore. Today the clear indication is that this Government is doing the right thing but the Opposition simply cannot understand that. Interestingly, the Premier referred earlier to a particular major pollution leak in 2009. That leak actually occurred on 28 October 2009. On that occasion we had already tracked a number of Premiers—I think we had four Labor Premiers—and seven Labor environment Ministers, making a total of 11. How many of them actually did anything to make sure that Orica was stopped from leaking these sorts of chemicals? Absolutely none of them. Four Labor Premiers and seven Labor environment Ministers did absolutely nothing during their time in government over 16 years.

**Mr John Sidoti:** Hypocrites.

**Mr BRAD HAZZARD:** They are hypocrites. The short answer is that they had 5,780 days to make sure that Orica and other companies complied with the requirements of pollution laws, but they did nothing. On 28 October the wonderfully energetic member for Maroubra was the Minister looking after his electorate. We also had the not quite so energetic—

**Mr Mark Coure:** Curly.

**Mr BRAD HAZZARD:** What do we call him? Curly or whatever it is—John Robertson.



**Mrs Barbara Perry:** Point of order: If the Minister is going to impugn and refer to a member in the manner he has he knows what he has to do in this place. I have been very patient listening to the Minister. My point of order relates to relevance under Standing Order 129.

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

**Mr BRAD HAZZARD:** There can be nothing more relevant than the fact that John Robertson had two months and 21 days as Minister for the environment but he had the wonderful experience of having a major pollution event occur in the electorate of a Minister, the member for Maroubra. Did the member for Maroubra tell the public?

**Government members:** No.

**Mr BRAD HAZZARD:** Did the former Minister for the environment, now Leader of the Opposition, tell the public?

**Government members:** No.

**Mr BRAD HAZZARD:** Did those opposite do anything to ensure that it would not happen again?

**Government members:** No.

**Mrs Barbara Perry:** Point of order: I refer to Standing Order 73.

**The SPEAKER:** I have made my ruling on relevance.

**Mrs Barbara Perry:** We have had this discussion before in the House. I am very strong on this point.

**The SPEAKER:** I understand the point of order, but given the nature of the debate today I think it is appropriate to allow the Minister to continue. However, I warn the Minister about making reflections on other members.

**Mr BRAD HAZZARD:** Consider the track record of those opposite when they were in government. They met with people left, right and centre behind closed doors. You can bet your bottom dollar that the member sitting there now as the Leader of the Opposition probably lunched with representatives of Orica and had no discussions at all about making sure they stopped these polluting events. The former Government had 5,000 days and it failed. This Minister for the Environment is doing the job. This Minister is making sure that the regulators do their job. Those opposite are simply incompetent. If they had not created the problem of Orica expecting that it could go on polluting the incident would not have happened in August this year.

**Ms ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [4.51 p.m.]: I quote P. J. Keating, "Let me tell you, if Labor Party stocks ever get so low as to require your services in its parliamentary leadership it will itself have no future." The member for Blacktown has not shown a skerrick of principle or restraint. Today has been a demonstration that the stocks of the Labor Party have sunk so low that the member for Blacktown is the Leader of the Opposition—that is until the Christmas break when Labor Party members pick up the phone, call each other, do the numbers and get rid of him. That is what this is about. The Opposition has been prepared to confuse and frighten people in Stockton and Newcastle.

**The SPEAKER:** Order! The Leader of the Opposition will have an opportunity to respond to the debate.

**Ms ROBYN PARKER:** The former Government was not prepared to do anything constructive for the people of Maroubra. Those opposite did not care about those people. The Opposition does not care about the people of New South Wales. Those opposite did not care about changing the environmental laws to protect people from pollution. The former Government did not care that hazardous facilities could exist alongside the people of Stockton. This Government has taken action and that is testament to its competence. This Government has done what the former Government could have done but would not do. The former Government was incompetent and incapable. The Stockton branch of the Australian Labor Party, in submission number two to the inquiry, stated that it had informed the previous Government about pollution but those complaints had generally fallen on deaf ears.

The Leader of the Opposition saw an opportunity to make himself relevant by using the people of Stockton. The Leader of the Opposition is so low that he would do that. The Opposition scared and confused the people of Stockton about the role of the Minister, the role of the Environment Protection Authority and the role of the regulator. The Opposition had people worried about their health and confused about who should give what messages. The Opposition did that purely for its own gain. This Government is not confused. This Government knows that when there is an incident such as the one on 9 November it is a hazardous incident and is dealt with by the correct combat agencies.

The Opposition continues to attempt to confuse the community. The former Government could have put the right legislation in place to protect the community, but it did not. This Government will continue to put the right legislation in place to protect the community—and that is only the start. This Government is continuing to deliver for the people of New South Wales. No matter what stunt the Opposition pulls, people see through it and understand. Even the Stockton branch of the Australian Labor Party understands—and it is probably doing the numbers to get rid of the Leader of the Opposition. The member for Toongabbie is happy: he has the Stockton branch. It will be working the numbers to make sure that the member for Blacktown goes over Christmas. The member for Blacktown is irrelevant. This Government is about the people of Stockton and of New South Wales.

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [4.55 p.m.], in reply: Today was an opportunity for the Minister for the Environment to demonstrate competence. Today the Minister failed to address one single point in the motion of no confidence. She spoke for 15 minutes and then five minutes and produced nothing to defend her incompetence of the past 107 days. The Minister just kept talking about the previous Government. There was an election on 26 March and, yes, there are 20 of us in opposition—judgement was passed on us. This is now about those who sit on the other side. It is about ministerial responsibility. The Premier went to great lengths during the election campaign to talk about ministerial responsibility. Today was the opportunity for this Minister to demonstrate that she was taking responsibility.

**Mr Brad Hazzard:** Point of order: Standing Order 76 requires that the member be relevant. Judging from the fact that he has only 11 out of 23 of his members in the Chamber even they do not think he is relevant.

**The SPEAKER:** Order! That is a spurious point of order.

**Mr Brad Hazzard:** Can't he get an audience?

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

**Mr JOHN ROBERTSON:** Government members call it a stunt but they have been keen to use up my time with every stunt they can muster. The Minister offered nothing in her defence and for 20 minutes did not explain why it is the Chief Health Officer's responsibility to advise residents. The Minister sneaked into the Chamber just before Parliament rose and made the announcement, telling us what happened at Orica. If it is not the Minister's responsibility why did she feel compelled to make that announcement? The Minister kept saying there was a regulation that prevented her from advising the people of Stockton. But at no point in those 20 minutes did she tell the House what that regulation was.

The Minister had an opportunity to demonstrate that she was competent and across her portfolio and her responsibilities, but there was nothing. There was nothing largely because this Minister knows nothing when it comes to the environment and knows nothing when it comes to ministerial responsibility. Ministerial responsibility is about standing up and taking responsibility for your actions or your inactions. Children blame everyone else when something goes wrong on their watch but adults do not. What we have here is a Minister who day after day, whether at a press conference or in this Chamber, blames everybody but herself. At no point in this sad and sorry saga has the Minister for the Environment taken responsibility for anything.

**Mr Brad Hazzard:** Point of order: The standing orders clearly require that the Leader of the Opposition speak in reply. He must address the matters that have been raised in debate. He is now raising new matters. Further, Standing Order 59 requires the member to cease any irrelevance or tedious repetition. The Leader of the Opposition is certainly being irrelevant and repetitive. His words have no substance. He should sit down, relax and have a cup of tea.

**The SPEAKER:** Order! I have listened intently to the Leader of the Opposition. He is not guilty of tedious repetition. He is speaking in reply.

**Mr JOHN ROBERTSON:** This sad and sorry saga has continued today. The Minister had the opportunity today to draw a line on the sand on this issue and take responsibility or at the very least explain why she waited 54 hours to tell the people of Stockton why, if the Chief Health Officer was responsible, she came into this Chamber and advised the people of Stockton; which regulation stopped her from dealing with this issue; and why she has continued to say that she is in contact with Orica every single day and yet has not even spoken to the chief executive officer. The Minister talked about incompetence and tried to reflect it on me. It is difficult to repel her comment because the Minister is the expert on incompetence. [*Time expired.*]

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

**The House divided.**

**Ayes, 20**

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

**Noes, 67**

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

**Pair**

Ms Burton

Mr Edwards

**Question resolved in the negative.**

**Motion negatived.**

**VALUATION OF LAND AMENDMENT BILL 2011**

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

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

**BUDGET ESTIMATES AND RELATED PAPERS****Financial Year 2011-2012****Debate resumed from an earlier hour.**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.12 p.m.]: It is my great pleasure to speak in the take-note debate on Budget Estimates and Related Papers 2011-2012 because it provides an opportunity for the House to look at the broader perspectives of what the Government is doing and what is happening, particularly in the electorate of Wakehurst. At the outset I acknowledge the passing of John David Booth, a former member for Wakehurst. John passed away last Thursday. He leaves his two sisters Margaret and Barbara Booth. I spoke with Margaret in the past few days. It is with great sadness that we all say goodbye to John.

Politics is a contest of ideas and very often a contest of personalities, hopefully for the benefit of the community and hopefully to enable the constituencies in our electorates to be well served. Interestingly, I make these comments now as one of three people who took part in a preselection challenge against John Booth in 1991. There are very few contests in this place after which people remain friends and have continuing relationships. John Booth was someone who was quite capable of taking part in the political process with great skill, great acumen and great enthusiasm, but he was also essentially a gentleman and he accepted the decision of the members of the Wakehurst Liberal Conference.

In all the time that I knew John, including from that time onwards, he never treated me with anything other than absolute courtesy and politeness. In fact, our conversations were friendly and cordial, and both of us were interested in the other's progress through life. It was with great sadness that I heard that John had passed away last week in his own home in Dee Why following a massive heart attack. It is appropriate that we remember that John Booth lived for politics and that he lived for the members of his electorate. Although he has passed away we can remember him fondly as a real gentle man of the political world.

The Wakehurst electorate in the northern beaches area has many issues that we are seeking to address. For 16 years the Labor Government showed very little interest in the big issues that faced the people of the northern beaches. One issue that brings everybody on the northern beaches together is the state of our hospitals. The former Labor Government allowed Manly Hospital, currently located at North Head at Manly, and Mona Vale Hospital, located at Mona Vale, to run down over many, many years. I am not referring to the staff who serve in these hospitals—they are extraordinary people. Every member of the medical and support staff in these hospitals has an incredible capacity to give, and they do. I do not think I have ever heard a resident of the northern beaches who has had experience of the hospitals say that they were concerned about the staff. What people talk about regularly is the physical state of the hospitals.

I have spoken to a succession of Labor health Ministers about the state of the hospitals. I have sat with them and I have explained the situation. When I was the only Liberal member on the northern beaches and Independents held the electorates of Pittwater and Manly I was told that the Government understood the need for improved hospital facilities, but it never translated into anything of great actuality. In fact, our services were run down. In the first term of government we have found—and it came as a bit of a shock—that the former Government did almost nothing to plan for a new hospital at Frenchs Forest. The former Government bought some land—I think about \$20 million worth—it purchased some houses, it bowled them over and it put up some fences on the Frenchs Forest site, but it did little else.

The members for Manly, Pittwater, Davidson and I have been keen to move forward on this. The first step we have achieved is the Government's commitment of \$125 million in its first four years to appropriately complete the planning phases and to start the building work. That is our intent and we are doing everything we can to achieve it. Although, as I said, in our first meeting with health department officials it came as a terrible shock to see how little had been prepared under the former Government. We did think it was pretty incompetent, but we thought there was a reasonable chance that it had at least done some of the concept planning. I know that the former Labor Government developed a clinical services plan for the Mona Vale and Frenchs Forest campuses

I know doctors and specialists who gave up hundreds of hours of their time over many months under the imprimatur of the former Labor Government to discuss and determine their recommendations for the services that should be offered by the two hospitals that we expect to deliver those services through the

twenty-first century. I refer to the new northern beaches hospital at Frenchs Forest and the complementary services that will continue to exist at Mona Vale Hospital. But, for some reason, it is now difficult to track what was done. At our first major meeting of all the local members and the health infrastructure public servants we made sure that they understood we were determined to get this hospital started in our first four years. I say to the people of Wakehurst without any doubt that that is our abiding intent. That is our desire and our aim. We will focus our energies on trying to achieve it.

The northern beaches area is not well served by public transport. It is problematic because its existing suburbs line two relatively narrow roadways—one through the Military Road corridor and one down through Warringah Road across the Roseville Bridge. People further down the peninsula can travel down Mona Vale Road, but essentially just two roads service the bulk of the southern end of the peninsula, which makes it problematic for public transport. In my time in this House there have been suggestions of light rail or heavy rail. Either one of those options comes with a high price not just in dollars and cents but also in increased density on either side of the proposed rail line if it were built.

While the populations of the electorates of Manly, Wakehurst and Pittwater are increasing due to a natural evolution of people who want to live on the northern beaches, I do not think we are ready to sustain the level of residential density that would be necessary to make light rail or heavy rail viable at this stage. Therefore, in consultation with my colleagues on the northern beaches we have announced \$3 million in funding for the exploration of a rapid bus transport system. This system works well in some areas. The big question for us is whether it will work for the northern beaches, taking into account physical constraints. But as a result of the last budget, for the first time serious money is on the table to carry out a proper assessment of whether we can make that work. We are certainly keen to improve our public transport one way or another.

One of the legacies of the former Labor Government—and I do not think it ever understood how serious it was—is the massive backlog of buses in peak hour coming in from the north and north-west across the Harbour Bridge. That of course includes the northern beaches. A few weeks ago I counted more than 50 buses backed up from York Street just before 9.00 a.m. That was only what I could see. I estimated there were probably another 15 buses in front of them as we turned round the Cahill Expressway. The former Government simply failed to address such a major issue as approximately 60 to 70 buses backing up in the morning peak. As the planning Minister, I have asked the department to look into those issues, as well as myriad other issues left behind by the former Labor Government.

I put on record my appreciation of the teachers at the government and non-government schools on the northern beaches. For 20 years I have had a close association with the teaching staff and parents at those schools. In the past few days I was at Fisher Road School. That school and Arranounbai School at Allambie Heights do amazing work with children with disabilities. The principals of both schools do an incredible job. I must mention Susan Barisic, who has been at the Fisher Road School for the best part of two decades. She is an amazing person who creates magic for children with quite severe and challenging disabilities. I am yet to see a parent with a child at that school who has not benefited from the love and outreach shown by Susan and her staff. I acknowledge the teachers and the volunteers at both schools. I am looking forward to attending the Fisher Road School annual Christmas concert in a couple of weeks.

However, I am slightly fearful because Susan Barisic told me the other day that, for the first time in 20 years, they are going to take me up on stage to perform. Even in this place I do not like to be given lines, but apparently I will be given lines and a cloak at the concert. I am a bit fearful of that. But I commend Susan Barisic and the rest of the staff. Each of the other government and non-government schools does an amazing job. They have found it a bit difficult in recent years because of the failure of the former Government to maintain the schools when massive funds were available. Now it is very challenging because we have come into government at a time when funds are short, but we are trying to spread them as well as we can. Killarney Heights High School is one school that is benefiting as a result of that. Some funds have been allocated to renew its science laboratories. There are other things that I wish to see improved at Killarney Heights High School.

I must put on record my concern about The Forest High School. It has amazing staff and support staff, and wonderful young people. I find it hard to believe that the Labor Government could have allowed the school to lapse into its current state of disrepair. It is now a massive challenge. In some cases it looks as though a complete renewal is needed. The science laboratories are in urgent need of renewal. The technology and applied studies block is also in major need of some occupational health and safety improvements. It is difficult to study technical skills in a building that does not have proper exhaust fans to remove dust particles from the air. Cromer High School is another great school in my area that would also benefit from some additional money to address some of its maintenance issues.

I will refer briefly to the planning area for which I have responsibility as the planning Minister. This area is a microcosm that exemplifies the utter and complete incompetence of the former Labor Government. It shows its deceptiveness and preparedness to do deals for dollars and everything else that was fundamentally flawed in the former Government. This area is a case study in everything that was rotten in the State under the former Labor Government. We open the newspaper each day and we still see issues raised about former Minister Tony Kelly and former Minister Ian MacDonald in the mining area. Yesterday there was an article about the former Treasurer, Eric Roozendaal. Sadly, the planning area is the looking glass into just how despicable the former Government was. Part 3A was an absolute disaster. It was the fundraiser for the Labor Party.

We moved quickly. I thank Department of Planning and Infrastructure staff for their assistance in facilitating the establishment of the new State significant development and State significant infrastructure avenues that are now available under the Environmental Planning and Assessment Act. We now have a system in which private major development is dealt with at arm's-length from the Minister. It is considered by the Planning Assessment Commission and we have put all sorts of transparent systems in place around the commission as well so that both the proponents and those who oppose the development can be sure they have some insight into what is being considered by the Planning Assessment Commission in each of the major development applications.

State significant infrastructure continues to be the domain of the Minister because after all it is major government infrastructure and sectoral infrastructure. State significant infrastructure tends to be more about rail and roads and such like. However, even with State significant infrastructure if there is any private involvement I can seek the advice of the Planning Assessment Commission. There are now systems in place that are far more transparent and open. There were 530 applications under part 3A when we came to office. We threw out about 60 or 70 of those on the basis that the director general's requirements had not been issued. Those proponents had the option to go to local government. We also have made sure that residential, retail, commercial and coastal development applications now go to local government. We also have increased the jurisdiction of local government from \$10 million to \$20 million and allowed the joint regional planning panels to deal with issues above that amount. Planning is such an important area that I seek an extension of time. [*Extension of time agreed to.*]

Whilst we have increased the jurisdiction of local government to be able to deal with developments up to \$20 million it comes with an expectation. The New South Wales Government expects local government to join in the great journey on which we have embarked, which is to turn this economy around and get as much housing built as quickly as possible. As a government we expect local government to partner us in that journey. If local government lets us down, lets the community down and allows politics to take over in the sense of delaying development applications, we will certainly take a different approach in the future. We are trusting local government and we are asking local government to trust us and to join us in a critical venture for this State. Off the back of 16 years of Labor Government we have the lowest housing starts in 50 years and we have to turn that around.

We expect that right across the public sector, right across local government and right across the departments that have a say in whether housing will occur people will join us in a can-do culture, not a culture of "Why?" or "How can we stop this?" but "How can we get this done?" How can we get more housing built for families and particularly for young people in New South Wales who want affordable housing? The single biggest factor that ensures affordable housing is more housing. It is not the only factor. Members would know that as planning Minister I recently auspiced a major forum on affordable housing and appointed Andrew McNulty to chair that review. The forum took place about three weeks ago. It was an excellent forum with a number of major commercial enterprises present as well as those in the social welfare and social services delivery area and housing. We are working through that issue. It is about asking local government to recognise that it has to come with us on this journey.

As a State Government we have to try to rectify some of the problems created for us by Labor. I make it very clear to the people of New South Wales that if we had started with a blank sheet on local environmental plans [LEPs] and come to office before the former Government had embarked on template local environmental plans we would have gone about it in a different way. Local environmental plans are certainly critical, as are other planning instruments, to getting planning outcomes right. However, local environmental plans did not need to be as constrained as they were by the former Labor Government. More definitional consistency across local environmental plans in all areas of the State would have made a lot of sense. Putting straitjackets on every council, all 152 of them across the State, lacked any great depth and commonsense.

When we came to office about 35 local environmental plans had already been progressed and approved and another 35 to 40 are in the process. We have indicated as a government to the Department of Planning—there are very fine officers in the department who have taken this on board and are working under the Government's new directions—that we want the local environmental plans to be much more flexible. We want them to reflect local community concerns. We came to office on a promise to make sure that local communities would have more of a say about their local area. There would no longer be this centralised, Labor-led Macquarie Street we-know-everything approach. We have reversed that. We are saying to local government, "If you have concerns about your LEP and there are constraints that you think can be addressed, you can refer those to an LEP planning panel that we have established."

The Director of Planning at Canada Bay council and current President of the Planning Institute of Australia, Tony McNamara, is chairing that group for us. I encourage all councils across the State, at the political level and the staffing level, to contact the panel if they have some issues in which they want flexibility. The O'Farrell Coalition Government recognises the need to personalise local environmental plans to local areas to reflect local concerns. We also embarked on a major planning review. Today in the Parliament—I do not remember this ever happening in my 20 years here—the reviewers of a government process, Tim Moore from the former Greiner Coalition Government, and Ron Dyer, a former Minister in Neville Wran's Government, continued their work. For the last probably three months they have been all over the State.

Members will know the song *I've Been Everywhere, Man*. That is now their theme song. They have been to many cities and towns across the State and have had discussions with more than 2,000 people. They have been to 46 or 47 different venues. Today they came to Parliament House and sat down quietly with Opposition members and spoke to them. I do not know what they talked about; that is not for me to know, although if the Labor Party wants to put it up on the website the transparency of the website is available. They also met Coalition members and met separately with crossbench members. In two weeks the Government will issue a discussion paper. We have done everything we humanly can. There are no politics in this; it is about trying to do the right thing by the New South Wales community.

**Mr Bart Bassett:** That never happened before.

**Mr BRAD HAZZARD:** It never happened under the former Labor Government. In fact, when the 2008 amendments came in, as much as I have some positive things to say about Frank Sartor who did some good work in planning—

**Mr Gareth Ward:** Never.

**Mr BRAD HAZZARD:** He did. Be fair where fairness demands it.

**Mr Paul Lynch:** You've never adhered to that in your life.

**Mr BRAD HAZZARD:** Frank Sartor certainly brought in the joint regional planning panels and the Planning Assessment Commission against great odds and it appears there is now a lot more support for them. I am not sure where they will end up in the planning review, but there is certainly a lot more support in the community. As I said, it never happened under the former Government. We now have transparency and openness and I can assure members that when the discussion paper comes out it will be treated objectively and sensibly and we will engage with the Opposition on that front. Members opposite are welcome to put in submissions and I am sure that together as a Parliament we can constructively create a planning system that will have the transparency and integrity that the community has been missing for so many years. There are many other significant issues in planning and in recent weeks I have made many speeches about them. However, the people of New South Wales now know that there is a government in this State led by Premier Barry O'Farrell that is fair dinkum, honest and transparent.

We will not always get everything right, that is not possible; but there are no dud deals, no behind closed door deals being done. We are making every effort to ensure that people can have faith in the new planning system and I am sure that they will understand that. While we are doing that, the development industry—which became concerned under the former Government that it had to make donations to the Government to get development approvals—has now found that there is a system in place where transparency, openness and integrity rule. In the past few months more people have been contacting me who are key to delivering housing in New South Wales. They are saying that they are pleased with the way the Government is going.

That was the message I received last week when, in the presence of the Director General of the Department of Planning and Infrastructure, I met with 12 major companies that are providing housing. Three weeks ago I met with Stockland at East Leppington. Stockland has not delivered anything in New South Wales for seven or eight years. The chairman of the board, Graham Bradley, put on record that this was the biggest development Stockland had carried out in New South Wales and that Stockland was back in town. I add to that comment—because the Liberal-Nationals Government is back in town. I acknowledge that his comments were not made on a political basis at all, but on the basis that now there is a real enthusiasm to get housing in the marketplace, something which the Government intends to do. As a result of the Government calling for anyone with large tracts of land of more than 100 hectares in reasonable proximity to major infrastructure to come forward if they want to provide housing and development, we have had about 30 applications.

We are ensuring that it is done with due probity through the Department of Planning and Infrastructure. I made that announcement on the Alan Jones program. He certainly has pulling power because a lot of folks came forward after that announcement. I have made the same announcement at numerous other conferences around the city. We can safely say that New South Wales is now back in the business of being in business. On that note, I thank the House for indulging me on the budget debate and indicate that, as Minister for Planning and Infrastructure, I am having a good time. I am enjoying this job and I love watching Paul Lynch and others sit there and squirm and worm, because that is where they belong—on the opposition benches. I can say, with all my colleagues on the Liberal-Nationals benches, that we will do a good job and those opposite can sit and squirm and worm all they like, because it does not matter.

**Mr GARETH WARD (Kiama) [5.42 p.m.]**: It is a delight to follow such a competent and enthusiastic Minister as the Minister for Planning and Infrastructure who does an exceptional job in that area. I am proud to be sitting on the same benches as him, as opposed to those opposite who left an industrial graveyard, a planning mess that looked like a dog's breakfast by the time they had finished. Today I talk in debate on the budget and I am sure the member for Wollongong, who I notice is in the Chamber, will be delighted to hear about the budget because she constantly talks down the Illawarra and the Government's contribution to the budget. So I am delighted that the member for Wollongong could be here to hear my remarks today.

**Ms Noreen Hay**: I am not so happy about you.

**Mr GARETH WARD**: I am sorry to hear that the member for Wollongong is not happy about me because my affection for her has never changed. She should remember that I am the current member for Kiama, not the former member for Kiama. In relation to the Government's fiscal strategy, I am supportive of what the Government is trying to achieve because, if one looks at the expenditure and revenue we saw for 10 years under the previous Government, there was an increase in expenditure of 5.3 per cent but a revenue increase of only 4.6 per cent. That suggests to me, like anyone who runs a household, if one is spending more than one is taking in, clearly something is structurally wrong.

**Dr Andrew McDonald**: Then why are you in deficit and we were not?

**Mr GARETH WARD**: We hear the comments about deficit coming from the people who left the Government with a \$5.2 billion deficit. Those opposite have all the economic credibility of Bugs Bunny.

**Ms Noreen Hay**: Point of order: The member for Kiama is misleading the House on the basis of a fabricated black hole.

**ACTING-SPEAKER (Ms Melanie Gibbons)**: Order! The member for Kiama has the call.

**Mr GARETH WARD**: I withdraw my comments against Bugs Bunny. This Government is seeking to put this State back in the black and back on track. That is why we have made a number of changes in the budget which will set up this State for years to come. The position that those opposite left us in was not one of financial strength or credibility but one of rack and ruin and the four dormant faces that sit opposite, much like the dormant opposition benches, know exactly the state in which they left New South Wales.

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

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

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



**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Divisions and Quorums**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.49 p.m.]: I move:

That on Thursday 24 November 2011, standing and sessional orders be suspended to provide that no divisions or quorums be called before 12.00 noon.

I merely advise members of the procedure for tomorrow morning. Normally no quorums or divisions are called before 10.30 a.m. There is no change to the business of the House as per the practice we have adopted. All business will be on the *Notice Paper*. Between three and five agreement in principle speeches will be given in the morning. There will be a debate also on the Valuation of Land Amendment Bill 2011 that has been received from the Legislative Council. I do not believe any controversial matters will occur. I am simply clarifying matters so that members are aware of what will and will not happen. I propose to ensure that no divisions or quorums will be called before 12.00 p.m.

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

**Motion agreed to.**

**FORGET-ME-KNOT DAY****Matter of Public Importance**

**Mr GUY ZANGARI** (Fairfield) [6.14 p.m.]: I speak today on a matter of public importance to acknowledge Forget-me-knot Day, which was held last Saturday 19 November 2011. Forget-me-knot Day is organised by the charity group Adults Surviving Child Abuse. As the name suggests, the organisation seeks to raise awareness of the long-term effect of child abuse on adults whose childhood has been marred by various types of violations, such as physical, sexual and emotional abuse. This also extends to the impact of the neglect of children by people who are charged with their care and wellbeing. Such aberrations on children represent the most wicked of human vices. Whilst it is practical to address the immediate issues relating to child abuse and neglect, such as the removal of a child from the source of abuse or providing a child with the level of care of which he or she has been deprived, it is often the ongoing consequences stemming from the abuse and neglect that spiral throughout a victim's life.

Such consequences include the effect of child abuse and neglect on a child's ability to interact with others, to hold meaningful employment and to become a contributing member of society. These are the consequences that Forget-me-knot Day seeks to highlight. These long-term effects are hard to quantify and, as a result, for many victims become a silent turmoil that affects many facets of their lives. As a community we often fall into the habit of believing that an immediate, short-term response will resolve the impact of devastations such as natural disasters or the wrongs committed on innocent members of the community, such as child abuse. We have a tendency to believe that the most immediate response is all that is needed to make right the wrongs that have been inflicted. It is this sort of mentality that highlights the importance of Forget-me-knot Day.

The long-term effect of child abuse has been highlighted in the 2010 paper of the National Child Protection Clearinghouse. The paper concluded that for some adults the effect of child abuse and neglect was chronic and debilitating. The paper highlighted the strong relationship between child physical and sexual abuse and substance abuse problems in adult women. The paper identified the correlation between child abuse and neglect and the incidence of violence and criminal behaviours in adults. The National Child Protection Clearinghouse paper identified that adults who had a history of physical abuse or were witness to domestic violence as a child may be more likely to be violent and involved in criminal activity. This is because the adult learnt as a child that such behaviour is an appropriate method or response to stress or conflict resolution.

The paper also recognised the link between child abuse and neglect and homelessness. Adults who in their childhood experienced a combination of lack of care and either physical or sexual abuse were 26 times more likely to become homeless compared to those who had no experiences of abuse. These figures are only indicative of the known long-term consequences of child abuse and neglect. We can never know the true extent of the impact of child abuse and neglect on victims.

Adults Surviving Child Abuse, the organisation responsible for organising Forget-me-knot Day, provides an insight into the isolation that victims of child abuse and neglect experience as adults. It highlights the high incidence of depression that inflicts child abuse victims. It points to various research projects that have found that childhood experiences of abuse contribute to the likelihood of anxiety disorders, addictions, personality disorders and eating disorders, just to name a few. It identifies studies that show that survivors of child abuse tend to have low self-esteem. However, perhaps the most terrible indictment of abuse and neglect in children is the correlation it has to suicidal tendencies in adults who have been victimised in their youth. One of the most important lessons that the community can learn from Forget-me-knot Day is the fact that the effect of child abuse and neglect is not limited to the individual who has suffered the abuse and neglect. Such aberration has the very real tendency to reproduce itself into future generations.

Evidence suggests that adults who are abused or neglected as children are also more likely to abuse and neglect their own children. According to the National Child Protection Clearinghouse 2010 paper, parents who had experiences of physical abuse in their childhood were significantly more likely to engage in abusive behaviours towards their own children or children in their care. The paper points to research that estimated that up to one-third of children who are subjected to child abuse and neglect go on to repeat patterns of abusive parenting towards their own children. Without doubt this provides an unequivocal argument as to why Forget-me-knot Day should be accorded all the attention and publicity this Government can offer.

When we speak of child abuse and neglect we speak of estimations. We analyse the issue in a qualitative manner because we do not and cannot put a precise figure on the number of children who have been affected and the extent of their affliction. Furthermore, it is next to impossible to quantify the continuing and ongoing effect of child abuse and neglect on the community. The importance of Forget-me-knot Day is not only the awareness that it creates in the community but also the awareness it creates in the victims themselves. It tells victims that it is okay to speak to someone about their problems and, more importantly, that there is help available, and that as a community we care. The silence that follows physical, emotional and sexual abuse on children results in life problems for victims. By raising awareness today we let victims know that there is an answer to the torment they are going through and, more importantly, that we as a community care about putting a stop to such evil being inflicted on the most innocent members of the community.

**Mr JOHN SIDOTI** (Drummoyne) [6.21 p.m.]: Whilst the impact on children who have been abused or are being abused should not be lessened, Forget-me-knot Day is an opportunity to provide a national day in support of adult survivors of all forms of child abuse and neglect throughout Australia. Why is the day called Forget-me-knot Day? The first word in the title is "Forget". Many people forget that adults who were abused as children often need help to do those things that others take for granted. Some people do not realise that childhood abuse in all its forms profoundly affects the developing brain, arresting emotional development and our ability to make healthy choices as adults. Sadly, for many survivors it is not just a matter of getting over it.

The second word is "me". Many survivors suffer from low self-esteem. Adults Surviving Child Abuse works to empower survivors by encouraging nurturing and self-care while establishing a healthy support network. The third word is "knot". When children are abused they become confused. Even for adults, life can be chaotic and tangled. Adults Surviving Child Abuse wants all Australians to work together to untangle the knot of child abuse and to support survivors. Child abuse includes emotional, sexual and physical abuse and neglect, as well as the witnessing of domestic violence. Children often experience more than one type of abuse concurrently. All forms of child abuse impact negatively on the mental and physical health of victims and no act should be minimised.

While not all children who have suffered abuse or neglect go on to develop these problems, child maltreatment often comes at great cost to individuals and society. Without the right help, the negative effect of all forms of childhood abuse can affect the victim for many years—into adulthood and old age. According to the 2005 Australian Bureau of Statistics, 10 per cent of women and 9.4 per cent of men experienced physical abuse before the age of 15; and 12 per cent of women reported that they had been sexually abused before the age of 15, compared with 4.5 per cent of men. We know, however, that these are just the reported rates, and that stigma, embarrassment and other factors prevent many people, especially men, from talking about and revealing the abuse they received as children.

National and international research has demonstrated a number of adverse impacts of child abuse and neglect, many of which are associated with significant financial costs for individuals and the communities in which they live. These include future drug and alcohol use, depression, anxiety, suicide, eating disorders, violence, self-harm, mental illness, poor health, homelessness, juvenile offending, complex post-traumatic stress

disorder, borderline personality disorder, criminality, intergenerational transmission and incarceration. It goes without saying that the stigma attached to talking about these issues does nothing to assist those in our community who in their adult lives have been affected by childhood abuse that continues to impact on their life, their family and those around them. Forget-me-knot Day on Saturday 19 November was a day on which to raise the profile of those suffering, to bring their plight into the open so that we can discuss the impacts on them and ways in which we can provide better support to them.

**Dr ANDREW McDONALD** (Macquarie Fields) [6.25 p.m.]: Nearly 20 years ago Adrian Ford, one of the great social workers of this city, gave a speech at a conference I attended at Goulburn. His initial words were that few of us can understand the pain with which some of our families live every day. Those simple words summarise why child abuse is so damaging and why the Forget-me-knot movement is so important. Those words have stayed with me forever and should stay with every professional person and every member of Parliament. Such families may not have any visible sign of the suffering that they continue to endure, but their pain far too often is unrecognised or not given adequate attention. The consequences of that pain may manifest in many ways and can often be devastating. As previous speakers have said, one of the greatest tragedies of child abuse is that it is far too frequently intergenerational.

That is why I am pleased to support Forget-me-knot Day, which was held on Saturday 19 November, and to support Adults Surviving Child Abuse. On Forget-me-knot Day communities around the country hold events in which survivors and members of the community come together to unite in support of adults surviving child abuse. Adults Surviving Child Abuse works tirelessly to raise awareness of the long-term impacts of child abuse; to garner support and funding from individuals, the corporate sector and government for adults surviving child abuse; to tackle the myth that it is easy to get over child abuse; and, most importantly, to reduce the shame and stigma of the long-term impact of child abuse. No child ever chooses to be abused. As previous speakers have said, child abuse is common. According to Anne Smith from the Victorian Paediatric Forensic Medical Service, in 2009-10 substantiated child abuse occurred in 6.1 per 1,000 children in Australia and statutory child protection agencies in Australia received 187,314 notifications concerning child abuse and neglect, of which 31,295 were substantiated.

These figures are but the tip of the iceberg. The figures given by the member for Drummoyne are more accurate because the sad fact is that the vast majority of child abuse goes unrecognised and that only later is the truth able to come out, if ever. There is also a grey zone between direct physical violence leading to injury to a child and other less clear situations that may involve carelessness, poor decision-making and neglect. There may also be failure to provide adequate supervision, failure to provide a safe environment and failure to discourage engagement in dangerous activities. All those behaviours can and often do have devastating long-term effects on the child. Recent research has found that the brain is hardwired by the age of three, and that abuse even in children as young as three has lifelong effects.

I have previously spoken about a meeting I attended in November 2007 with Professor Deborah Phillips, a professor of psychology from Georgetown in America. She found that from birth to age three the brain lays down a stress response system. Exposure to long-term toxic stress such as abuse, neglect or domestic violence has permanent effects on the growing brain that will have lifelong effects on the ability of that person to parent, on his or her lifespan and on his or her ability to form meaningful relationships. That is why Forget-me-knot Day is so important. People forget that adults who were abused as children need help to do things that others do easily. Many of the survivors suffer from low self-esteem. This means that at times they enter into inappropriate relationships and repeat the cycle. The final word in Forget-me-knot is "knot". As previous speakers said, this signifies the confusion that children face after being abused. Shame and stigma are major problems for adults and frequently are the cause of their risk-taking behaviour. I commend Forget-me-knot Day to the House.

**Mr GUY ZANGARI** (Fairfield) [6.30 p.m.], in reply: I acknowledge the thoughtful contributions of the members for Macquarie Fields and Drummoyne. The member for Macquarie Fields told us of the words spoken by Adrian Ford at a conference he had attended. Adrian said that few of us can understand the pain of children that have suffered as a result of being abused. As the member for Macquarie Fields said, the pain is often unrecognised in such children and the pain manifests in many ways throughout their adult lives. Forget-me-knot Day includes events where survivors come together to support fellow victims of child abuse. It is important that we continue to support those adults and get the message out in the community. The member for Macquarie Fields also touched on the need to reduce the shame and stigma that children who have been abused may feel. Even as adults they may feel that they are guilty and that the abuse was their fault. That is not true, as we clearly know.

The member for Macquarie Fields also spoke of the notifications of abuse and mentioned that not all abuse is recorded. There are statistics, but it has been highlighted this evening that there are many cases that we do not know about. There are statistics, but what about the unknown larger number of children and adults who have been abused? The member for Macquarie Fields also said that a child's brain is hardwired by the time he or she reaches three years of age. Children recognise these behaviours and earlier abuse may continue to affect them later on in life. It is important that we treat children—the most precious gifts that we have—with the utmost respect. The member for Drummoyne spoke about consequences for the victims of child abuse. He and the member for Macquarie Fields touched on the fact that survivors have low self-esteem. I also spoke about that. I was a teacher in the Fairfield area for 17 years. In that time, unfortunately, in my role as pastoral care coordinator I spoke to many senior students who had been abused earlier in their lives. These students who were becoming young adults definitely had low self-esteem.

Children become confused when they are abused. As the member for Macquarie Fields and I have said, they believe that the problem stemmed from them. They feel confused and guilty about that later on in life. As the member for Drummoyne said, child maltreatment comes at a cost to individuals and society. He related the interesting statistic that 10 per cent of women and 9.4 per cent of men are sexually abused before reaching the age of 15, which is an alarming statistic. He also referred to the issues faced by adult survivors of child abuse and the ways in which we can provide support. I am sure that everyone—members of Parliament and of the general public—will support Forget-me-knot Day. The member for Macquarie Fields, the member Drummoyne and I wholeheartedly congratulate the members of the Forget-me-knot committee for their tireless and compassionate support for such a worthy cause.

**Discussion concluded.**

#### **PRIVATE MEMBERS' STATEMENTS**

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#### **MYALL LAKES ELECTORATE EVENTS**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [6.37 p.m.]: On Saturday I had the pleasure of attending three functions in Myall Lakes—that place on the mid North Coast that encapsulates everything good, fantastic and wonderful about Destination NSW. Anything that one would want to see in New South Wales can be seen in Myall Lakes—from the mountains to the sea, it is all there. The first event I attended on Saturday was Sunrise Supported Living opening day at Tuncurry. The village operations manager, Arthur Chapman, put on a wonderful event, which included the opening of the facility and a tour through the village. A hot rods and custom cars organisation, the Manning Valley Cruzers, held a Show and Shine in the village. Rock and roll dancers also attended. Local entertainer Rockin Reg provided the music and there were rock and roll era dancing demonstrations. Many senior citizens enjoyed this wonderful day. I congratulate Arthur Chapman and Sunrise Supported Living for holding such a great event.

From there I went to the Camp Quality fete. The Camp Quality Forster group works extremely hard in its community. Its members are dedicated and enthusiastic about fundraising activities. People attending the fete could participate in pass the ball games and take small train and pony rides. A raffle conducted on the day raised a great deal of money, and it was my privilege to draw out the winning tickets. I congratulate President Leonie Woods, Carol Calvert, Robin Walters, Jackie Edmonds, Kay Padmore, Jenny McConnell, Cecilie Malone, Cathy Leaudais and Joyce Kinchin on the wonderful work that they do for Camp Quality in the Forster-Tuncurry area. Camp Quality was formed in 1983 when an American named Vera Entwistle moved to Australia. While in America Vera read about a program designed to provide support to children with cancer. When she came to Australia she decided to set up a similar program. The name "Camp Quality" came about when she was talking to a doctor who told her, "No-one can do anything about the quantity of anyone's life, but all of us can do something about the quality."

From that event I travelled to Bulahdelah to open the Bulahdelah Show. It is a great, typical country show, with pavilions and local produce on display. It featured pony club and cattle judging competitions. All the things one would expect to find at a country show were available at Bulahdelah. It was a great day. This year Paul Stathis and I had the honour of opening the show. Paul is the site manager employed by Baulderstone to oversee the construction of the Bulahdelah bypass. I think most members will be keen to know what is happening with the Bulahdelah bypass.

**Mr Ryan Park:** Tell us, what is happening with the Bulahdelah bypass?

**Mr STEPHEN BROMHEAD:** It is going ahead at 100 miles an hour. It will be delivered and opened prior to Christmas 2012. In my previous life as a police officer I was aware of the number of fatalities and serious accidents that occurred on that section of the Pacific Highway just north of Bulahdelah that has already been bypassed. On holidays and long weekends there is tremendous congestion and sometimes a wait of an hour and a half to get through Bulahdelah. That will be a thing of the past. It will be so much safer for people to travel on the Pacific Highway. I congratulate Garry Gooch, the President of the Bulahdelah Show Society, on putting on such a wonderful day. I thank Paul Stathis from Baulderstone and I thank Baulderstone for the contribution it makes to our community.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! There is too much audible conversation behind the Chair. People who wish to have private conversations should do so outside the Chamber.

### **KEIRA ELECTORATE SCHOOLS**

**Mr RYAN PARK (Keira)** [6.42 p.m.]: I rise to speak on an issue and a policy area about which I am passionate and about which I have spoken many times in this place. I refer to education and our local schools. I have had the opportunity over the eight months since I was elected to this place to visit every school in my electorate except one, which I will visit next week. It is incredible for me as a former teacher to see how much is being done with technology since I left the system. I want to refer to that today and how it is encouraging and stimulating learning in our schools and in the education department.

I went to see David O'Connor at Towradgi Primary School, which is in the heart of the Keira electorate. It is a small school that normally would have a teaching principal but David O'Connor has been part of a pilot program that the Minister has talked about that was introduced by the former Government. The program allows him significant flexibility in staffing and has enabled him to come off teaching and strategically plan the way forward for Towradgi. I was really impressed with the way that David O'Connor has embraced technology in this small school, and it is paying massive dividends. I spent a couple of hours there, although I was not due to stay that long. I wanted to stay longer. The school is using iPads—the technology many of us use in this place—to encourage children with profound disabilities and learning difficulties. For the first time in their school life, in some instances, they were able to communicate by using an iPad.

I went into a class of students with learning difficulties and they spoke to me and I spoke to them through this technology. As a former teacher and one who was not using this type of technology when I was in the classroom I found there was something very powerful about a piece of technology being able to engage some of our most vulnerable children who need all the support they can get. I am particularly proud of Towradgi Primary School. David O'Connor is a man of great stature who is doing wonderful things in a community that needs great educational leaders. A couple of days later I saw Donna Shevlin at Corrimall East Public School, just around the road from where I live. Again, that school has embraced the use of technology to stimulate learning. The assistant principal talked to me about how some of the kids were so much more engaged now through the use of technology.

Research indicates that nothing will ever beat a quality teacher at the front of the classroom, and I will never detract from that. However, all members—whether Opposition, Government, Greens, crossbenchers or whatever—will have to work together to ensure that our schools are well funded so that our kids are using technology and are engaged in learning in a way that is contemporary with our society. I am very fortunate to have two great school education directors in David Lewis and Graham Kahabka, who are big advocates of public education and education in general. I put on record in my last private member's statement this year my thanks to each and every one of the schools in the Keira electorate but in particular to David Lewis and Graham Kahabka for the fine leadership they demonstrate.

The last school I want to talk about is Aspect South Coast School, which is a school for autistic children in the heart of Corrimall. We know that autism is a growing issue in our schools and a growing challenge for both parents and teachers. On this day the school was thanking the community for their support. I felt a bit of an imposter; I felt we should be thanking them. They use technology to enable a boy who had not spoken for many years to speak and to communicate using music. I know all members have great schools in their electorates. As we leave this place towards the end of the school term I want us all to make sure we are putting every effort into giving them the resources they deserve in their community.

### **MURRAY-DARLING BASIN**

**Mr JOHN WILLIAMS (Murray-Darling)** [6.47 p.m.]: On 29 November the long-awaited release of the second draft report on the Murray-Darling Basin will occur—although it has already been leaked. One can

only say the purpose of leaking the report is to try to deal with some of the threats arising from the suggested caps that will be placed on irrigators. This report spells a grim future for irrigation communities in the Murray-Darling electorate. We recognise in the new draft plan that most of the heavy lifting in relation to water buybacks will be done primarily in the Murrumbidgee and Murray rivers. The irrigators in that area will give up most of the water that is believed to be required under this plan to return the river to good health.

This is a deception run primarily by those conservation groups that have been pushing hard for this, and behind them the politicians in South Australia who believe there is no such thing as a drought and that rivers cannot run dry, and who expect there will always be an abundance of water in South Australia regardless of what is happening upstream. The fact is that Tony Windsor conducted a number of forums throughout the Murray-Darling Basin primarily to recognise the threat of the Murray-Darling Basin Plan to irrigation communities. When we consider the 97-year history of regulating the Murray River in particular, we see there was the opportunity to create what are called close communities. Those communities were developed on the basis that irrigation could be provided. Today the view is that we are going to destroy 97 years of history and those close communities are under threat.

There is very little recognition in the Murray-Darling Basin Plan of what has happened before. We have had the National Water Initiative, Water for Rivers, The Living Murray, and State Government and Federal Government buybacks that occurred before this plan was even considered. About 1,100 gigalitres of water has already been committed back to the environment. What we are seeing now as a result of the holding of water by the Federal Government's water holder is an abundance of water in the storages, particularly in the Hume. That water is unable to be released because the needs of the environment have been satisfied. Consequently, the Federal Government is monopolising storages with water that has been bought back and put into storage under the carryover arrangements.

The Murray-Darling Basin Authority has a real challenge on its hands. I represent one of the electorates that will be hardest hit by the implementation of the suggested 2,800 gigalitres reduction in irrigation. That reduction will have to come from the communities along the Murrumbidgee and the Murray rivers, primarily in the electorate of Murray-Darling. There will be a fight. We are not going to let this happen. It is unacceptable. The fact is that the process by which this decision has been reached has ignored the needs of the community. The Murray-Darling Basin Authority is not even concerned about the findings of the Murray-Darling Basin inquiry held by Tony Windsor. The fight is on.

### MULGOA ELECTORATE LANDFILL PROPOSALS

**Mrs TANYA DAVIES** (Mulgoa) [6.52 p.m.]: I wish to inform the House of two critical landfill matters affecting my electorate of Mulgoa. The first landfill matter is a proposal by a private developer, Dellara Pty Ltd, to turn a former quarry in rural Orchard Hills into an industrial and commercial waste recycling and dump site that will be operational for six days a week for the next 20 years. Dellara Pty Ltd submitted an application that was called in under part 3A under the former Labor Government's broken planning laws. Upon notification of the application, the community rallied against the proposal and I helped to form the Residents Against Industrial Dump action group. This group is made up of mums, dads, small business operators, retirees and children from the estate adjacent to the proposed dump site, some of whom live within 500 metres of the proposed dump.

This proposal is an extremely damaging one, both environmentally and in terms of damage to health. It will have a severe impact on the lifestyle of the people of this residential estate and on the operations of small home-based businesses located there. The Residents Against Industrial Dump action group and the wider community of western Sydney must be applauded for the fierce, professional, objective and dedicated fight that they have maintained against this dump for over 18 months. The first objective last year was to convince the then Labor Minister for Planning to reject the part 3A proposal. Members of the group gave their own money to the campaign. We held a public rally, did letterbox drops, doorknocking, and attended events at sports fields, shopping centres, and the Penrith markets.

We had corflutes designed and distributed throughout the community. We contacted the local media and 2GB radio. Penrith City Council and the Residents Against Industrial Dump action group worked together and both the Premier, and Minister for Western Sydney and the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW came out last year in support of the community. All this action led to 3,300 letters of objection being submitted to the Department of Planning. Thankfully, the former Minister rejected the proposal. However, Dellara has since appealed the decision in the Land and Environment

Court. The Residents Against Industrial Dump action group has worked extremely hard to gather submissions from the community to submit to the court, demonstrating the community's opposition to the proposal. We worked to gather 9,090 letters of objection and the Department of Planning had to employ three additional data entry staff in order to process the submissions.

The subsequent proceedings in the Land and Environment Court have been both frustrating and questionable. The court allowed Dellara to amend its original application three times. Since the community's objections are considered to relate to the original application, the subsequent amendments disallowed the community's 9,090 objections. The fourth version of the proposal went on exhibition for four weeks. We were denied an extension of time, although Dellara was permitted many changes to its proposal. The community had to rally a third time. In four weeks we have obtained over 17,000 letters of objection and over 14,500 signatures on a petition. This gruelling process has brought the community closer together. Thankfully, this Government was elected in March this year and has repealed part 3A of the planning Act, so proposals of this type that will have a direct and longstanding impact on local residents can be determined by the local community. We await the outcome of this court process early next year.

The second landfill matter has received recent Sydney-wide metro coverage and has been a longstanding matter for consecutive State governments. It concerns the remediation of the Hunter's Hill former uranium processing site. In October last year I stood with the Premier, and Minister for Western Sydney and broke the story that the former Labor Government had secretly signed an agreement with SITA Australia Pty Ltd to transfer contaminated soil to Kemps Creek. Documents obtained through freedom of information revealed that the former Labor Government turned a blind eye to scientific evidence that the Hunters Hill properties had radioactive waste on site.

Instead of dealing honestly with the scientific facts regarding the site, the former Government reclassified the soil to a lesser classification of restricted solid waste that met SITA's licensing level. After reclassifying the soil, the former Labor Government signed the contract with SITA and then engaged in discussions with Penrith City Council. The freedom of information documents revealed scientific evidence that radioactive waste was on site. Together with local residents, we launched the Residents Opposed to Active Radiation group. The community action was successful as it forced the Keneally Labor Government to back down and eventually cancel the contract.

I wish to make it clear that our community fought the transfer of radioactive waste; we did not oppose the transfer of any other soil that is classified as restricted solid waste to Kemps Creek. SITA has a licence to accept this class of waste and has been doing so for 21 years. Now the Liberal-Nationals Government has been elected and is fixing the mess. I thank the Minister for Finance and Services, and Minister for the Illawarra and the Minister for Fair Trading for their cooperation and partnership in working with me to find the right solution. Under our Government no radioactive waste will be sent to Kemps Creek. In stark contrast to the former Labor Government, this Government will work with the community and with Penrith and Liverpool councils in order to ensure the fully transparent disclosure of the remediation action plan. We welcome full engagement with our community.

## **REPUBLIC OF ARMENIA TWENTIETH ANNIVERSARY**

**Mr ANDREW ROHAN** (Smithfield) [6.57 p.m.]: I wish to discuss key issues that remain important to the Armenian Australian community of Smithfield and to all Armenians across the world. Throughout a turbulent history, Armenians have been subjected to invasion, occupation, persecution and discrimination. This culminated in 1915 when the then Ottoman Government implemented a policy of annihilation of the Armenians. Characterised by massacres and mass deportations, this policy led to the deaths of more than 1.5 million innocent Armenian men, women and children in what is known as the Genocide of the Armenians. But as heirs to an ancient civilization, a distinct language and a unique culture, the resilient Armenians rose from the ashes of genocide to establish an independent Armenia in 1918. After a period of Soviet occupation between 1921 and 1991, Armenia was again proclaimed a republic and this year Armenians the world over are celebrating the twentieth anniversary of the independence of the Republic of Armenia.

However, the young independent Armenia faces a number of significant challenges to its sustainability. As a result of the Armenian Genocide, the modern state of Armenia remains landlocked and does not constitute all the lands once historically occupied by Armenians. Turkey, the successor state and beneficiary of the Ottoman perpetrators of the Armenian, Hellenic and Assyrian genocides, currently maintains an economic blockade of Armenia that endangers the socio-economic viability, security and sustainability of a people

subjected to genocide less than a century ago. Despite wide international recognition and condemnation of the Armenian Genocide, Turkey continues to deny this crime against humanity and impedes a just resolution of the Armenian Genocide. The Turkish Government continues to destroy Armenian cultural monuments and churches; Turkish educators teach students a revised version of history, claiming that no genocide took place; and under article 301 of the Turkish penal code, courts prosecute and sentence anyone who openly accepts the occurrence of the Armenian Genocide.

I also want to speak of the issues facing the historic Armenian region of Nagorno Karabakh. Nagorno Karabakh is a region located between the Republic of Armenia and the Republic of Azerbaijan. Placed under Soviet Azerbaijani rule by Joseph Stalin, its Armenian population was forced to endure discrimination, racism, violence and massacre, not dissimilar to the policy implemented by the Ottoman Government against the Armenians in 1915. Desperate to prevent further loss, the Armenians of Nagorno Karabakh rallied to defend their livelihood and in 1991 under the Soviet constitution and in accordance with the principle of self-determination enshrined in article VIII of the Helsinki Final Act, the Armenians of Nagorno Karabakh voted for an independent state.

In spite of a ceasefire between Nagorno Karabakh and the Republic of Azerbaijan, the security of the civilian Armenian population of Nagorno Karabakh remains threatened. Azeri military commanders continue to train snipers to shoot and kill innocent Armenians near the Nagorno Karabakh-Azerbaijan border. The Azerbaijani Government plans to boost military spending to \$3.3 billion this year, up from \$2.15 billion a year ago and just \$160 million in 2003. The Azerbaijani president, Ilham Aliyev, consistently employs war rhetoric, threatening to pursue a military solution to the issue of Nagorno Karabakh. The Republic of Azerbaijan, like Turkey, maintains an economic blockade of the Republic of Armenia and the region of Nagorno Karabakh.

I raise these issues in Parliament today to bring to light the current challenges facing the Armenian people as they celebrate 20 years of independence. Australia and the international community must support a just resolution of the Armenian, Assyrian and Hellenic genocides and acknowledge the Nagorno Karabakh's right to self-determination. Today, I place on the public record and lend my support to the sustainability and security of Armenia, to the independence of the Republic of Nagorno Karabakh and to the prosperity of the Armenian Australian community of Smithfield.

### **SURVEILLANCE CAMERAS**

**Mr MARK SPEAKMAN** (Cronulla) [7.02 p.m.]: I draw to the attention of the House uncertainty and likely gaps in the law relating to the installation and use of surveillance cameras on residential properties. Last month at the Local Government Association annual conference the following Sutherland Shire Council motion appeared on the business paper:

That the Local Government Association of NSW request the NSW Government to adopt legislation which regulated the use of security cameras on private property and provide a mechanism for affected persons to ask authorities to initiate enforcement action to prevent the security devices being used inappropriately.

As the conference was inquorate at the time the motion was to be debated, it was not dealt with. The Office of the NSW Privacy Commissioner has analysed the law on its website page devoted to frequently asked questions. It states that currently no laws specifically restrict the use of surveillance systems in residential settings. It states also that it is possible that the installation of surveillance cameras that intrude on the privacy of neighbours is a planning issue and that the Environmental Planning and Assessment Act does not clearly support such a position. There appears to be no case of the council attempting to deal with this issue through the use of its development control powers.

The Office of the NSW Privacy Commissioner states that if video surveillance has reached a high level of intensity there may be a common law claim of nuisance on the basis of unreasonable interference with the enjoyment of property. In only one local case the court granted an interim injunction to a neighbour to restrain the intrusive use of a video camera. Isolated cases may enable the issue to be dealt with in the broader context of an application for an apprehended violence order, as well as a few provisions in the Crimes Act if voyeurism and the like were involved. At present, limited criminal and civil law remedies may assist in some cases of inappropriate use of surveillance cameras. I shall illustrate the problem by reference to two of my constituents whose privacy appears to be gravely affected by the use of security cameras on adjoining private property.

The next-door property has five surveillance cameras atop a four-metre pole. They comprise two rotating and three fixed security cameras. The rotating cameras can swivel 360 degrees, are activated by



movement sensors and can zoom in for close-ups of any activity in the street and on adjoining properties. My constituents are concerned that this digital film footage could end up anywhere on the internet, including sites such as YouTube. My constituents were told by Sutherland council that the definition of "development" in the Environmental Planning and Assessment Act does not extend to cameras for the purposes of a development application. They were told that the intent of the Act is to regulate the environment, not social issues such as cameras and their use. At the least there is uncertainty and, more likely, a lack of remedy in current law. What are the solutions to this problem?

A first solution would be the creation of a general statutory cause of action for invasion of privacy. Creating such a tort has been recommended by the New South Wales and Australian law reform commissions. Of course, such a wide-ranging and contentious proposal may never happen. In any event, if it were to become law it may have to take into account national developments. A second and more focused approach to this problem, following the wording of the Sutherland Shire Council motion and given growing community concern about the issue, would be specific legislation that prescribes the circumstances and ways in which security cameras on private property can be used.

A third approach would be to amend planning legislation to clarify that development consent is required before any surveillance cameras can be installed on residential property. The current Planning System Review led by former environment Minister Tim Moore and former public works Minister Ron Dyer could address this issue. At best, the law is unclear; at worst, the law fails to protect the privacy of those whose neighbours use surveillance cameras. It is clear that reform is required.

### **SCHOOLS PHYSICAL ACTIVITY AND NUTRITION SURVEY**

**Mr JOHN FLOWERS** (Rockdale) [7.07 p.m.]: On Monday 21 November I was delighted to join the Minister for Education and the Minister for Healthy Lifestyles to launch the NSW Schools Physical Activity and Nutrition Survey 2010 at Athelstane Public School in my electorate of Rockdale. A representative sample of 8,100 students from 101 schools across New South Wales in kindergarten, years two, four, six, eight and 10 participated in the survey. Conducted by the Physical Activity, Nutrition and Obesity Research Group at the University of Sydney, the survey examines the levels of physical activity, sedentary behaviours, eating habits and the prevalence of obesity in school-age children.

We all know of the health risks associated with being overweight or obese. We know too that childhood obesity often stays with the child, unless necessary and appropriate steps are taken to address the problem. The likelihood of developing chronic diseases is also amplified. The 2010 Schools Physical Activity and Nutrition Survey allows us to gain a more up-to-date understanding of the rate of overweight or obese children from previous surveys conducted in 1985, 1997 and 2004. One merit of the 2010 Schools Physical Activity and Nutrition Survey is the added questionnaire for parents of children in kindergarten, years 2 and 4 to respond to their child's weight-related behaviours.

At Athelstane Public School on Monday morning principal Chris Johnson and school captains Hussein Fardous and Mariam Mansour were very welcoming and showed Minister Piccoli, Minister Humphries and I around their school grounds. The school has a strong reputation in our local community and continues to be an outstanding example of how to promote a healthy and active lifestyle in school-age children. The Active After School Program is one of the great programs offered at Athelstane Public School. It allows students to engage in physical activity beyond normal school hours in a fun and safe environment.

On our tour we observed a student cooking demonstration using ingredients from the school's own garden. This shows that children not only feel a sense of accomplishment in growing healthy foods but also are taught the merits of healthy eating. It is worth mentioning also Athelstane Public School's new healthy canteen, which has been a great success through the hard work of the parents and school staff. Before leaving we were fortunate to watch the year 6 class perform some sporting activities, with Ministers Piccoli and Humphries joining in.

The NSW Schools Physical Activity and Nutrition Survey 2010 found that overweight and obesity rates in children in New South Wales have remained stable at 22.8 per cent. In saying this, it is imperative that we aim to reduce the overweight and obesity rates among school students and make them more aware of the benefits of healthy eating. This outcome is achieved in large part by observing the behaviours and trends identified by the Schools Physical Activity and Nutrition Survey. The 2010 survey will prove valuable to the New South Wales Government in forming programs that address childhood obesity and promote healthy lifestyles.

I note that the New South Wales State plan, NSW 2021, has set the target for reducing overweight and obesity rates in children and young people to 21 per cent by the year 2015. This target is achievable and will have many benefits for communities across New South Wales and in my electorate of Rockdale. Once again I commend Athelstone Public School and its principal, Chris Johnson, for promoting the benefits of healthy eating and physical activity. I, like all members in this place, look forward to seeing the rates of obesity in our children decrease in the years ahead and acknowledge the role of the School Physical Activity and Nutrition Survey in identifying the issues that will assist in achieving this goal.

### LOVE LAWSON FESTIVAL

**Mrs ROZA SAGE** (Blue Mountains) [7.12 p.m.]: Saturday 19 November was a significant day for the Central Blue Mountains Garden Club as the members came together to honour one of its founding members, Heather McDougal Mollenhauer, who passed away last year. I was honoured to be part of the commemoration of this unassuming woman—a pillar of the Lawson community—who made friends in all areas of her life. As part of the Love Lawson Festival and with the blessing of the Blue Mountains City Council the garden club had organised a dedication of a plinth and the planting of a cape myrtle tree in front of historic Heatherbrae House in the centre of Lawson. All of these elements were dear to Heather. She was a long-time resident and active community member of Lawson for 37 years. Heather was an amateur historian who wrote several books about the history of Lawson and, of course, she was passionate about gardening and the native bush surrounding where she lived.

Lawson was named after the famous explorer Lawson who, with Blaxland and Wentworth, crossed the Blue Mountains in 1813. The bicentenary of the crossing of the Blue Mountains will be celebrated shortly. We heard from Liz Benson, also a long-time member of the gardening club and dear friend of Heather, who gave us some insight into a very humble and modest woman who was also a powerhouse of energy and drive when it came to her many community interests. Heather was also a member of the Conservation Society and loved bushwalking. These activities go hand in hand with her love of gardening. As an active member of the garden club she was respected for her gardening skills, and her enthusiasm and dedication to the club. Such was her respect that she was made a life member of the club. Her husband, Sam, talked of Heather as the mother of their five children, some of whom attended the dedication.

Sam and Heather had spent many years as missionaries in the centre of Australia prior to settling in Lawson. Both of them had been strong members of their local Lawson church. Another passion of Heather's was local history. Warren Boorman, the secretary of the garden club, told of how Heather collected both oral and written history from all the Lawson folk, and put it into book form. Her books were on sale at the Love Lawson Festival and I was pleased to receive a copy from her husband, Sam. Thus it was fitting that the garden club chose to locate Heather's plinth in front of historic Heatherbrae at Lawson. Councillor Chris Van Der Kley and former mayor Michael Neall spoke of the Heather they knew, the dedicated community worker. Heather and Michael collaborated on a book about the shopping precinct at Lawson. Finally, President Barrie Redshow and some of the other speakers commented that Heather, being such a modest person, would have hated being recognised publically for the tireless community worker that she was. It was a fitting tribute to a beautiful soul.

The Love Lawson Festival was a colourful celebration of this mid mountains community. It was sponsored by the Lawson Chamber of Commerce, the Mid Mountains Community Centre and other local businesses. There were many stalls, and the local Lawson Rural Fire Brigade was out in force informing the community of bushfire safety as well as manning the barbeque. There was a beard and moustache competition—which is fitting for November as it is the month of "Movember"—to raise awareness of and funds for prostate cancer research. It was a fun event with categories including natural moustache, natural full beard, groomed full beard and fake beard. All the contestants were very gracious in their speeches, acknowledging the amazing hirsuteness of their competitors.

The community participated in a full program at the community centre. There were displays of dancing as well as a workshop of African dancing and Hungarian folk dancing, which everyone cheerfully participated in. Next to the Central Blue Mountains Garden Club stall there was a demonstration of dog obedience, with some canines more obedient than others. This was a vibrant Lawson celebrating its community. This is a township that has seen major change to its streetscape since the widening of the Great Western Highway. The process is nearing completion and the residents can now see the benefits of that long process. Although the centre of Lawson has changed quite remarkably the community has put together many initiatives to make it a people friendly place. It was a wonderful day on Saturday and a good day was had by all.

## CARDIFF INFRASTRUCTURE PROJECTS

**Mr ANDREW CORNWELL** (Charlestown) [7.17 p.m.]: It gives me great pleasure to talk about some of the fantastic projects that the O'Farrell Government is delivering for the Cardiff area of my electorate. Cardiff is one the oldest town centres in the Newcastle region. The first grant of land to a white settler in the Cardiff area was to George Weller in 1833, stretching west of the current Macquarie Road to Argenton and Cockle Creek. In the latter part of the nineteenth century two factors attracted people to the Winding Creek area. One was coalmining, with the opening of the Lymington and South Wallsend collieries. The other was the construction of the railway, which led to a navy's camp being established at Winding Creek in 1883, and work continuing through most of the next decade.

On 24 March 2011 Barry O'Farrell visited Cardiff and witnessed firsthand the dilapidated state of our town centre, and he has provided \$2.5 million to upgrade our main street. Last Monday Lake Macquarie City Council voted to approve putting the initial plans for the upgrade on public exhibition. I am delighted that councillors of all political persuasions showed their support for Cardiff and supported this proposal. Nobody has spent a cent on Cardiff's main street for 100 years. The town centre services some 5,000 households and I look forward to helping to deliver a town centre that we can be proud of.

Cardiff Railway Station is another piece of neglected infrastructure. The community has been fighting for a decent facility for many years. The community's concerns were repeatedly ignored by the previous Labor Government until it realised that it was facing political trouble in the surrounding electorates and the project suddenly became important. Before the election, Labor announced the upgrade would be complete by December 2012. But the detailed design phase, which began in late 2010, revealed the need for more work than was previously thought to make both platforms level and safe. Labor failed to keep the public informed. The previous Labor Government had 16 years to deliver this project and then it botched the planning. We recognise the need for this project to proceed as quickly as practicable and therefore we have established a project team to fast-track the delivery of the Cardiff station easy access upgrade.

RailCorp has formed a team charged with the key task of accelerating the delivery program for the project so that it will be finished ahead of the previous December 2013 completion date. The upgrade includes lengthening the platforms to accommodate eight-car trains, providing additional weather covering on platforms and, importantly, making the station accessible. The upgrade will ensure people using wheelchairs, pushing prams or carrying luggage can independently access the station. This Government has been very clear: We will do our homework and we will be upfront with the community about the real timetables for projects like this. RailCorp has advised it will work with Transport for NSW to ensure an accessible lift is in place as soon as possible so that the platform is accessible while the rest of the upgrade works continue. The Government is determined to deliver this upgrade.

Another local project is the construction of the Pennant Street Bridge at Glendale to provide a second point of entry into the Cardiff Industrial Estate and also a second entry into the Glendale Shopping Centre. This project will create hundreds of jobs and improve the flow of traffic locally. Labor had 16 years to support this project yet never supported it financially. The O'Farrell Government has committed \$15 million to support this project and Lake Macquarie City Council has committed \$10 million to it. Unfortunately, the Federal Government has changed funding levels applicable under Regional Development Australia, which now leaves this project potentially without a Federal source of funds.

The Federal member for Charlton, Greg Combet, is on record saying that this is the most important project in his electorate. He is correct. He also is on record saying that this project should be a collaboration between local, State and Federal governments. He is also correct. I call on the Federal Government and the local Federal member, Greg Combet, to support this project by looking for another source of funds to make up the shortfall. The Federal Government has been happy to part with vast sums of taxpayers' money on projects with dubious potential. This project is a job creator and, therefore, should receive unconditional Federal support. The former Labor Government was never able to deliver on this project and never supported it. The O'Farrell Government has supported this project with funding of \$15 million. The ball is now in the Federal Government's court. It needs to support our community by fulfilling its end of the bargain.

## HARLEY SMITH FUNDRAISER

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [7.22 p.m.]: Signore altoparlante, auguri, Giovanni. Come stai? Mr Acting-Speaker (Mr John Barilaro), congratulations and how are you? Tonight I bring

to the attention of the House an event that took place last Friday in the Dubbo electorate that demonstrates the great capacity of people in country areas, despite limited means and difficult circumstances, to rally around and support one of their own. In particular, I refer to the outstanding community spirit and contribution of two men, Martin Cook and Michael Quade. An event took place last Friday in the Dubbo electorate to raise funds for a 12-year-old boy in our community, Harley Smith, who suffers from juvenile Huntington's disease. I am not a medical expert so I will not try to stumble over a description of the illness. But it is an aggressive and terminal illness and, in my view, one of the cruellest illnesses that can be inflicted on anyone, particularly one of such tender years.

Huntington's disease is a genetically transmitted disease. Harley's father, Shane Smith, suffers from the disease and is now totally incapacitated and under full-time care. Shane is being well cared for. Harley Smith is a young fellow who went to school with my son Hamish. Despite the gravity of his situation, young Harley is someone from whom I have drawn enormous inspiration. Although Harley has the gravest of illnesses and has seen the progression of the disease in his father, he is out in the community educating people about this disease. Many people would react differently. Harley is fully aware of the progression of his disease, yet in every able hour he has left he is fighting to make the best of his life. He is a role model in his community and an absolute inspiration. His courage and inspiration can only be supported by generosity of a similar kind.

Two men whom I believe have been blessed by God's hands to perform the act of charity are Martin Cook and Michael Quade. Martin Cook is a former chief executive officer of the Men of League Foundation. He has done an enormous amount of work for that wonderful organisation, one of which I am proud to be a member. As the chief executive officer of the Men of League Foundation, particularly in its formative years, Martin did an incredible job supporting people throughout the league community. He has returned to Dubbo, to the community's great benefit, to work with his father in a family business. He is a great asset to our community.

Michael Quade is a teacher at St John's Primary School and Harley is one of his students. These two men organised a fundraising event, which was held last Friday in Dubbo. This lunchtime event raised in excess of \$30,000 in a number of hours. It was an outstanding achievement. The fundraiser was necessary because Harley's medication is not covered under the Pharmaceutical Benefits Scheme, due to Harley's age and the type of medication he takes. The financial impost of the medication, which he must take to give him quality of life, is a massive burden on his family. The \$30,000 will go some way to easing that burden for a short time. The generosity shown by these two men and the courage and spirit of young Harley have inspired a community. I commend these two men for their generosity.

Two finer men I could not wish to meet. Their actions on behalf of young Harley and his family are noteworthy and of the highest order. They do not seek adulation or special recognition for their efforts. It is appropriate that their efforts and the inspiring story of young Harley are recognised in this place so that the Parliament and the wider community learn about the quality of people in my electorate of Dubbo. Harley has moved to Penrith so that he is closer to Westmead Hospital to access the medical treatment he needs in the future. I will make the local member for Penrith aware of Harley's arrival in his electorate. I commend Harley Smith, a young man of true inspiration, and Martin Cook and Michael Quade, two men who have shown the greatest level of generosity.

## TRANSPORT INFRASTRUCTURE

**Mr BART BASSETT** (Londonderry) [7.27 p.m.]: Bradfield is a name that is synonymous with the growth and development of this city. The Sydney Harbour Bridge stands as a symbol of Bradfield's work, which laid the foundations for future growth and transformed Sydney into the global city that it has become. John Bradfield was an engineer by profession who designed and oversaw the expansion of the city's rail network in the 1920s and 1930s, with the bridge being the centrepiece of his bold vision. The vision that Bradfield had was realised because of strong leadership from elected governments of the day who were prepared to look beyond the electoral cycle and make decisions that would benefit the community for the next 50 years. We must learn from past achievements and mistakes, and make sure that the decisions we make will have a lasting legacy well beyond our service as members of the New South Wales Parliament.

The Liberal-Nationals Government has put in place sensible reforms to establish Transport for NSW and Infrastructure NSW to better coordinate the planning and delivery of our future transport needs and seek private sector involvement in the delivery and funding of infrastructure. The Government is committed to building the North West and South West rail links. These two projects are essential pieces of transport infrastructure to service the north-west and south-west growth centres. Governments of all political persuasions

have grappled with the age-old problem of providing transport infrastructure to service new population centres. Sydney's population is expected to reach six million by 2036, that is, an extra 1.7 million people. We need to take steps now to ensure that the population centres are well serviced with good public transport options.

Let me make it clear: I am not calling on the Government to commit to projects, as the former Government did when it promised 12 new rail lines and only delivered half of one, and even that ran way over budget. I am calling for the need to identify corridors now so that in the future decision-makers can move quickly to deliver essential transport infrastructure in the knowledge that the land is available. I refer to the costings for a couple of recent projects and proposals: the 40-kilometre M7, or Western Sydney Orbital, cost \$2 billion to construct. In contrast, I refer to the estimated cost to build the M4 East tunnel, the missing link from Strathfield to the city. The 2005 environmental impact statement estimated that it would cost \$5.7 billion to build the 8.5 kilometre tunnel, which includes widening the M4 from Merrylands to Strathfield. Why is the construction cost per kilometre so much higher for the M4 than it was for the M7?

The M7 was built overland, a surface corridor, using a reserved corridor that was earmarked for a future road in the 1940s County of Cumberland Planning Scheme. The O'Farrell Government does not have that option when it comes to working out a solution for the M4 because of the short-sighted, populist actions of former Premier Neville Wran, who sold off the corridor that was reserved for the extension in the late 1970s. Over the next 30 years 736,000 new jobs will need to be created, half of them in western Sydney. To maintain Sydney's global competitiveness and ensure our residents have access to good, safe and reliable transport options we need to preserve corridors for future transport infrastructure. The M7 Western Sydney Orbital, which has opened up new economic and employment opportunities and improved travel times for motorists, was able to be built because land was available to construct the infrastructure at a fraction of the cost of tunnelling.

In the future it will be necessary to connect the rail lines across western Sydney with the North West Rail Link being connected to the Richmond Line, then on to the Western Line and through to the South West Rail Link. I believe that we need to draw inspiration from visionaries like Bradfield and lay the foundations for future growth and prosperity. In my opinion, preserving corridors for future transport infrastructure is an essential component of any blueprint and I will work with stakeholders, government—Federal, State and local—the private sector, employers and community groups to ensure that there are good outcomes to manage Sydney's future transport needs. We must plan and build for generations to come, and devise a more cost-effective way of providing transport and road options. To do that, we must provide those corridors in the growth centres in western Sydney. Let us get on with the job. Let us look at those release areas and at the planning for corridors; let us consult with the community and lay the foundations, like our forefathers did, for future generations to have quality infrastructure in this great city of Sydney and in this great State.

### **JEWISH EDUCATION MATTERS**

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [7.32 p.m.], by leave: Recently I had the pleasure of attending the end-of-year banquet and volunteer appreciation evening held by the Jewish Education Matters organisation in my electorate of Vaucluse. Jewish Education Matters—or JEMs for short—is a gem. It is a relatively new organisation that gives children from non-Jewish schools the opportunity to learn about their Jewish heritage and to learn Hebrew. It was my pleasure to accept the invitation of Jewish Education Matters founder, Rabbi Yossi Shuchat, to attend the end-of-year banquet held at Kesser Torah College in Dover Heights. The event was well attended with more than 500 adults plus children in the large college auditorium. The event included performances by the children who access the service provided by Jewish Education Matters, and each age group received certificates and gifts.

Community organisations such as Jewish Education Matters rely on volunteers, and I had the pleasure of presenting certificates to the volunteers at Jewish Education Matters and congratulating them on their involvement. Many of the volunteers are high school students from local Jewish schools. They are busy with their studies but they find time to spread Jewish education amongst the young people in the electorate. Jewish Education Matters was launched in May this year by Rabbi and Rebbetzin Shuchat, who both founded the organisation. I recognise also Rabbi Dovid Slavin, who is the director of Our Big Kitchen and who has been instrumental in helping Rabbi and Rebbetzin Shuchat in organising the group and ensuring its success.

The organisation has community involvement as its focus. Teenagers primarily from Jewish private schools in the area are invited to share their knowledge about the Jewish culture in a consultative and creative way with the children. The teenagers form mentoring relationships with younger attendees—some as young as five—to ensure that the Jewish culture and teachings are passed on in a supportive and warm environment. They

are the volunteers that I had the pleasure of celebrating and presenting prizes to at the annual banquet. Some 45 teenagers are involved in Jewish Education Matters, with 108 children attending and learning about Jewish heritage and the Hebrew language.

It is important in our society that community groups continue passing down the traditions and teachings that have been followed over generations. As a Parliament we need to encourage the involvement of groups in the passing down of cultures, and encourage community involvement and engagement. In the last survey more than 30 per cent of residents in my electorate of Vacluse identified as being Jewish, and groups such as Jewish Education Matters allow those children not attending the Jewish schools of Kesser Torah and Moriah to learn about their Jewish heritage and culture. Community groups such as Jewish Education Matters will allow families to send their children to the school of their choice whilst still ensuring that the children have an outlet to learn about the Jewish faith.

What really impressed me about Jewish Education Matters was the enthusiasm and dedication of the volunteers and the delight shown by the older mentors who helped the young children and had formed bonds with them. At such a young age that group of young mentors from private schools in my electorate are very passionate about and committed to ensuring that younger people in the community learn the Jewish traditions and that those traditions are passed down so that the Jewish culture continues to thrive in the Eastern Suburbs of Sydney. Organisations such as Jewish Education Matters rely on volunteers.

It is inspiring to see so many busy young people who could be doing many other things not only willingly putting up their hands to help but also taking the opportunity to participate in education and engage with younger members of their community. The involvement and enthusiasm of volunteers ensures that the community remains inclusive and cohesive. The act of volunteering and participating strengthens our community in so many ways, tangible and intangible, and that is what Parliament should be encouraging, as indeed we do. We know that from the many private members' statements made in this House.

We should encourage strong communities who feel empowered to offer real services and education to their members. Through their volunteers groups like Jewish Education Matters encourage community spirit whilst educating the Jewish community and ensuring it survives and knows about its culture. Despite the group being founded only six months ago, the number of children attending the programs has grown and grown. I wish Jewish Education Matters the very best in continuing its amazing success and I look forward to engaging further with the group as it continues its excellent work in the electorate of Vacluse.

**Private members' statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 7.37 p.m. until  
Thursday 24 November 2011 at 10.00 a.m.**

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