LEGISLATIVE ASSEMBLY

Wednesday 22 February 2012

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

CORONERS AMENDMENT BILL 2012

Bill introduced on motion by Mr Greg Smith.

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [10.10 a.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Coroners Amendment bill 2012, which will amend the Coroners Act 2009 to improve the operation and effectiveness of the New South Wales Coroner's Court. The Coroners Act 2009 was the result of a substantial review of the previous legislation in 2008 and 2009 by the Department of Attorney General and Justice in consultation with the State Coroner, the Chief Magistrate and a range of internal and external stakeholders. The Coroners Act 2009 modernised and simplified many provisions in the previous Act. It prevents natural deaths from being unnecessarily reported to coroners, and that enables the Coroner's Court to focus more on deaths that are suspicious or unexplained.

The Productivity Commission's recent Report on Government Services 2012 found that the Coroner's Court of New South Wales has one of the best clearance rates and the lowest backlog of any coroner's court in Australia. Resolving coronial matters expeditiously reduces uncertainty and stress for grieving families and can help them to come to terms with the loss of a loved one. The Coroner's Court has adjusted well to the introduction of the Coroners Act 2009, which came into force at the beginning of 2010. As with any significant reform process, however, some issues will only become apparent during implementation. This bill addresses a number of issues identified by the State Coroner and other stakeholders to further improve the operation of the Coroner's Court of New South Wales and to clarify the legislation in certain circumstances. The State Coroner supports each of the proposed amendments and detailed consultation has been carried out with a broad range of other stakeholders. I will now outline each of the amendments in turn.

Items [1] and [3] of schedule 1 to the bill amend the definition of senior next of kin. The senior next of kin has a number of rights and responsibilities under the Coroners Act, including in relation to the conduct of post-mortems and retention of organs. The amendment provides a coroner with discretion to treat a person who was a deceased person's legal personal representative immediately before the deceased person's death as the deceased person's senior next of kin if the coroner is satisfied that other persons available to act as senior next of kin are unable to do so. In some circumstances, a person's legal personal representative immediately prior to his or her death has been appointed because the deceased person's immediate relatives were not able to, or were deemed not able to, manage that person's affairs—for example, a guardian may have been appointed. Without the amendment however, that legal personal representative may not be considered to be the deceased person's senior next of kin following death. The amendment will address this oversight.

Item [2] of schedule 1 makes an amendment to section 6 (1) (f) of the Coroners Act 2009 to clarify New South Wales Health's obligations regarding reportable deaths. Since late 2009 more than 30 emergency departments have been gazetted as a "declared mental health facility" within the meaning of the Mental Health

Act 2007. This has been done to allow the short-term detention and treatment of patients in an emergency department before being discharged or, if the patients require ongoing care, their transfer to an appropriate inpatient declared mental health facility. This amendment will clarify NSW Health's obligations to report deaths that occur in one of these emergency departments. As the section is currently drafted, there is some ambiguity over whether all deaths of people who are in or temporarily absent from one of these gazetted emergency departments must be reported to the coroner, including those who are admitted for general care, treatment or assistance, as opposed to mental health care, treatment or assistance.

The current section also refers to a person who is a "resident" of a declared mental health facility. This term is not used in any health legislation or in the mental health field, and therefore is unclear to hospital staff. It is being amended to "patient", and that will be clearer operationally. This amendment will capture deaths of voluntary and involuntary civil patients under the Mental Health Act 2007 as well as forensic and correctional patients under the Mental Health (Forensic Provision) Act 1990. The amendment will not affect any obligation to report a death that is reportable under one of the other circumstances outlined in section 6 (1). The Department of Health recommended the proposed amendment and the State Coroner supports it.

I turn now to the publication of submissions and comments. Items [4] and [5] amend sections 74 and 76 of the Coroners Act 2009 to ensure that the coronial process does not potentially interfere with the future course of criminal justice. It enacts recommendations of the State Coroner, which she made as part of her findings in August 2010 after the inquest into the death of Kate Therese Bugmy. An issue arose during the course of that inquest concerning the ability of a coroner to make a non-publication order covering submissions. It related to the referral of papers to the Director of Public Prosecutions on whether a known person may have committed an indictable offence. The publication of such submissions could have a potential to cause prejudice to future criminal proceedings. The amendments ensure that there is now an express power to order non-publication of submissions and comments made in relation to whether a known person may have committed an indictable offence or whether an inquest or inquiry should be suspended for this reason.

Item [8] makes amendments to section 79 of the Coroners Act 2009 to improve the court's ability to case manage files, particularly when closing coronial proceedings. Section 79 of the Act empowers a coroner who has suspended, or not commenced, an inquest or inquiry to allow criminal charges to be determined, to reopen the inquest and to make recommendations after any charges have been dealt with. The amendment will enable the State Coroner to direct that a suspended coronial inquest or inquiry not be resumed in order to more efficiently manage coronial matters. It requires consultation with the individual coroner who has carriage of the suspended inquest or inquiry, and is subject to consultation with the Chief Magistrate where the coroner is also a magistrate. The State Coroner recommended the amendment.

I refer now to intervention by the Minister in application under chapter 7 of the Act. Items [9] and [10] amend section 86 of the Coroners Act 2009 to clarify the rights of the Attorney General, as the Minister administering the Coroners Act, to intervene in applications made to the Supreme Court under sections 84 or 85. These sections provide for an application to be made to the Supreme Court for the holding or re-holding of a coronial inquest or inquiry. This amendment is intended to clarify the rights of the Attorney General to "be heard" under section 86. The amendment in section 86A (2) makes it clear that the Attorney General has a right to intervene as a party with all the rights this entails. This will avoid future ambiguity and expense on this point. The amendment in section 86A (3) expressly provides that the Attorney General will have the right to be heard without formally intervening. This relates to where the Attorney General seeks to be heard as amicus in situations where submissions are confined to matters of law with a view to assisting the court, but where advocacy for a particular outcome is not desired. In this situation the Attorney General will not become a party.

Items [12] and [14] amend sections 96 and 98 of the Coroners Act 2009 and enable a coroner to refuse a request by a senior next of kin for a post-mortem examination not to be held, if the senior next of kin has been, or may be, charged with an offence in connection with the deceased person's death. Part 8.2 of the Coroners Act provides for the senior next of kin of a deceased person to request that a post-mortem not be conducted. If the coroner decides that the post-mortem is necessary or desirable, the coroner must give the senior next of kin notice of that decision. A post-mortem then cannot be conducted for a minimum period of 48 hours, during which time the senior next of kin may apply to the Supreme Court to overturn the coroner's decision.

Presently the Coroners Act does not take into account circumstances where the senior next of kin has been charged or may be charged in relation to the death of the person on whom it is intended to conduct a post mortem for coronial purposes. The purpose of the amendment to section 96(5) is to prevent a senior next of kin from benefiting from a delay in the conduct of a post mortem on the victim of an alleged crime. If a request by

the senior next of kin has been refused under section 96(5), the amendment to section 98 prevents the senior next of kin from authorising another person to make the request. This is to ensure that the effect of the amendment to section 96 is not frustrated. The State Coroner requested these amendments.

The amendments in the bill have been the subject of thorough consultation with key stakeholders, including the Chief Magistrate, the Chief Justice of New South Wales, New South Wales Ministry of Health, the Ministry for Police and Emergency Services, the NSW Police Force, Legal Aid NSW, the Crown Solicitor's Office, the Minister for Citizenship and Communities, the Minister for Aboriginal Affairs, the Community Relations Commission, the New South Wales Bar Association and the Law Society of NSW. I thank the State Coroner, the Coroner's Court of New South Wales and these stakeholders for their assistance. I commend the bill to the House.

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

COURTS AND CRIMES LEGISLATION AMENDMENT BILL 2011

Agreement in Principle

Debate resumed from 24 November 2011.

Mr PAUL LYNCH (Liverpool) [10.22 a.m.]: I lead for the Opposition on the Courts and Crimes Legislation Amendment Bill 2011. The Opposition does not oppose this bill, the object of which is to amend the Criminal Procedure Act 1986, the Criminal Procedure Regulation 2010, the Director of Public Prosecutions Act 1986 and the Fines Act 1986. In introducing the bill, the Attorney General characterised it as making miscellaneous amendments to courts and crimes related legislation as part of the Government's regular legislative review and monitoring program. That program of course operates regardless of which political party or parties is or are in government. It usually includes a disparate number of essentially unrelated provisions that are for reasons of efficiency located in one omnibus bill.

Amendments to section 267 of the Criminal Procedure Act make changes in relation to the maximum sentences able to be imposed by Local Courts. The bill provides that the maximum penalty a Local Court can impose when dealing with indictable matters being heard summarily is two years imprisonment. In Local Courts the present maximum for some such offences is 12 months and for some others it is 18 months. The offences concerned are set out in tables to schedule A to the Criminal Procedure Act. If dealt with by way of indictment and thus usually in the District Court, the maximum possible penalty for these offences would often be in excess of two years imprisonment. The case of Doan in the New South Wales Court of Criminal Appeal made clear that this two-year limit was a jurisdictional limit, not a maximum penalty. Matters dealt with summarily in the Local Court should impose penalties reflecting the objective seriousness of the offence, not a lower jurisdictional limit.

The distinction between summary and indictable offences is often based largely on historical issues. If a matter is not strictly indictable, whether it proceeds summarily depends first upon whether the police officer or prosecuting authority thinks a matter is sufficiently serious to likely attract a sentence outside the Local Court jurisdiction. Raising the jurisdictional limit would thus presumably increase the number of matters dealt with in the Local Court and on this logic would not lead to materially different sentences. That at least is the logic of the December 2010 report of the New South Wales Sentencing Council. The Sentencing Council in its report that is the genesis of this proposal considered a number of other issues including extending the jurisdictional limit of the Local Court to five years imprisonment. Whilst there was some support for this proposal, there was also considerable opposition in various submissions. At page 39, the Sentencing Council summarised its position as follows:

> The council is of the view that the sentencing statistics do not support the need for a general increase in the Local Court's jurisdiction. Additionally it accepts that there are sound policy reasons for preservation of the status quo, as identified in the submissions earlier noted.

That position also makes sense to me. It makes the obvious point that the key is appropriate and consistent consideration by prosecuting authorities about which matters go to the Local Court with its jurisdictional limit and which matters go to the higher courts. However, the council does recommend the change now contained in this part of the bill. Commencing at paragraph 4.14 the report states:

> The council notes that there are a number of offences for which the sentencing jurisdiction of the Local Court is limited to the imposition of imprisonment for 12 months or 18 months—as disclosed in Annexure B.

> It is assumed that the limit has been adopted so as to encourage election by the ODPP in these cases, on the basis that they are potentially more serious than the remaining offences for which a two-year limit applies.
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> The council is of the view that the jurisdictional limit should be the same for all Table 1 and Table 2 offences (i.e. those that attract a maximum sentence of two years or more) and that the current system invites, or at least risks, errors on the part of the police or prosecuting authorities in assuming that as a Table 1 or 2 matter it is likely that an appropriate sentence can be imposed in the Local Court.
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> Amendment of the *Criminal Procedure Act*, in this respect, would go a considerable way towards ensuring that the Local Court has adequate sentencing powers for these cases. Moreover, improvements in the procedure for referral of cases to the ODPP for election, as noted earlier in this chapter, should ensure that the more serious cases involving offences within this group are heard in the District Court.

If this proposed amendment was to be a generalised increase in penalties, I would have significant reservations about it, not least because there has been no argument made for that. However, that is not the basis upon which the Government puts the case. Nor is it the view of the Sentencing Council. The Court of Criminal Appeal makes clear how a jurisdictional limit is to be interpreted. While this change might lead to a limited increase in the volume of work in the Local Court, it should not lead to longer sentences except in those presumably very rare cases where the police or the Office of the Director of Public Prosecutions mistakenly thought the jurisdictional limit for a particular offence was two years when in fact it was less.

Item [4] of schedule 1.1 makes changes to section 268 of the Criminal Procedure Act. Although not mentioned by the Attorney General in his agreement in principle speech, these changes increase the maximum fines that may be imposed by the Local Court in relation to a number of offences. The maximum fine that may be imposed by the Local Court when dealing summarily with offences under section 51, 61 and 61N of the Crimes Act is increased from 20 penalty units to 50 penalty units. These offences relate to some assaults and acts of indecency. There are also proposed amendments to the Criminal Procedure Act and criminal procedure regulation in relation to the evidence able to be adduced in prosecutions relating to child abuse material offences.

These alterations change an "authorised analyst" authorised by the Attorney General and the Director of Public Prosecutions to become an "authorised classifier", who is a member of the police force and has undertaken training in the classification of child abuse material. The training provision is new. The sample to be classified is now a random sample of all the material seized, not just of the child abuse material. This may then of course include material that is not child abuse material. It will be then more representative of all the material seized. That change has to make sense. The legislation continues to provide that the defence has the opportunity to see all the seized material before the random sample evidence is admitted into evidence.

Section 299B of the Criminal Procedure Act is amended to clarify in relation to the protection of sexual assault communications that the court can consider documents subject to a claim of such privilege to determine whether in fact they contain a protected confidence. The regulation-making power is amended to allow regulations to be made in respect of subpoenas requiring production of a document recording a counselling communication in any criminal proceeding, not just in sexual assault proceedings. Further amendments to the Criminal Procedure Act will allow certain currently solely indictable offences under the Property, Stock and Business Agents Act and the Conveyancers Licensing Act to be dealt with summarily.

A sensible amendment is made to the Fines Act to take into account the introduction of JusticeLink in most New South Wales courts. This means court fines can now be automatically referred to the State Debt Recovery Office electronically. The remaining sections of the bill relate to that longstanding interest of the Attorney General, the Director of Public Prosecutions Act. This particular tranche of amendments relate to payment of the pension to the person occupying the position of Director of Public Prosecutions. In essence it seems to be treating the director in the same way as a judge who is medically retired or dies while in office and is thus entirely unobjectionable. The Opposition does not oppose the bill.

Mr STEPHEN BROMHEAD (Myall Lakes) [10.30 a.m.]: I support the Courts and Crimes Legislation Amendment Bill 2011. As a practitioner and having worked in the court jurisdiction for more than 30 years, I find much of this bill is commonsense. The object of the bill is:

> (a) to amend the *Criminal Procedure Act 1986* and the *Criminal Procedure Regulation 2010*:
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> (i) to provide a uniform limit on the maximum term of imprisonment that may be imposed by the Local Court when dealing summarily with an indictable offence (other than in relation to certain offences under the *Drug Misuse and Trafficking Act 1985*), and

(ii) to increase the maximum amount of fine that may be imposed by the Local Court when dealing summarily with certain indictable offences under the *Crimes Act 1900*, and

(iii) to include certain indictable fraud offences under the *Conveyancers Licensing Act 2003* and the *Property, Stock and Business Agents Act* as offences that may be dealt with summarily by the Local Court, and

(iv) to change the requirements for the use of random samples of child abuse material in proceedings for offences relating to use of children in the production of child abuse material and the production, dissemination and possession of such material, and

(v) to clarify certain matters in relation to the provisions dealing with the protection of communications made in confidence to counsellors by the victims of sexual assault and to alter the regulation-making powers in relation to certain subpoenas, and

(b) to amend the *Director of Public Prosecutions Act 1986* to ensure that a person who holds the office of the Director of Public Prosecutions and to whom the *Judges' Pensions Act 1953* applies is entitled to receive a pension under that Act if the person retires on account of ill-health and that the spouse of such a person who dies while holding that office is entitled to receive such a pension, and

(c) to amend the *Fines Act 1996* to make it clear that an automated computer system may be used to refer overdue court imposed fines to the State Debt Recovery Office for the making of a court fine enforcement order.

When introducing the Courts and Crimes Legislation Amendment Bill 2011 the Attorney General stated:

> … the purpose of the bill is to make miscellaneous amendments to courts and crimes-related legislation, as part of the Government's regular legislative review and monitoring program. The bill will amend a number of Acts to improve the efficiency and operation of the State's courts and tribunals and criminal laws.

The Attorney General has put before the House a bill that amends the Criminal Procedure Act 1986 to allow a uniform maximum jurisdictional limit in the Local Court of two years imprisonment where the court is dealing with indictable offences summarily. The Attorney General anticipated by increasing the jurisdictional limit this would allow adequate sentencing powers for such offences and would improve the efficiency and operation of the court system. The Attorney General has identified that sections 289A and 289B of the Criminal Procedure Act require amendment to insert training requirements for "authorised classifiers" and to make new provisions for the random sample of material that is reviewed in child abuse matters.

The bill also makes changes to the production of counselling communications, which, according to the Minister, is necessary to clarify that courts may consider inspecting documents which could contain a protected confidence. The pension of a person holding office as Director of Public Prosecutions is subject to amendment in this bill. According to the Attorney General, the amendments contained in the bill will ensure that the Director of Public Prosecutions is treated in the same way as any judge who is medically retired or dies whilst in office. The Fines Act 1996 requires court registrars to refer unpaid court fines to the State Debt Recovery Office for the making of court fine enforcement orders. The introduction of the electronic court document lodgement system JusticeLink in courts allows for the automatic referral of unpaid fines, making the inclusion of the registrar in the process redundant, and the bill amends the Fines Act 1996 to reflect this.

The indictable offences that are capable of being dealt with in the Local Court are set out in tables 1 and 2 of schedule 1 to the Criminal Procedure Act. Most of the offences appearing in the tables already have a maximum penalty of two years' imprisonment if dealt with in the Local Court. These reforms will not impact upon those offences. A number of offences appearing in the tables presently have a specified maximum penalty of 12 or 18 months imprisonment if proceeded with in the Local Court. These offences include matters of a violent and sexual nature, such as common assault and committing an act of indecency. Providing a standard jurisdictional limit of two years for all table offences will ensure the Local Court has adequate sentencing scope to reflect the criminality of these offences. In his agreement-in-principle speech the Attorney General said:

> At present there are a number of offences appearing in tables 1 and 2 that have a specified maximum penalty of 12 or 18 months imprisonment if proceeded with in the Local Court. An increase in the jurisdictional limit to two years for all offences in the tables will ensure the Local Court has adequate sentencing powers for these offences. The Sentencing Council considered that the current system invited or at least risked error on the part of police or prosecuting authority that the matter could be adequately dealt with in the Local Court when in reality the maximum term of imprisonment may be capped at 12 or 18 months. Amending the Criminal Procedure Act to apply a uniform two-year limit will ensure that the Local Court has adequate sentencing powers in these matters, should the election be made to deal with the offence in that jurisdiction.

The reforms to the Local Court jurisdictional limit arise from a recommendation of the Sentencing Council in its review of the sentencing jurisdiction of the Local Court. The council considered that the current system invited or at least risked error on the part of police, as I stated. These provisions will not affect certain offences under the Drug (Misuse and Trafficking) Act which carry a higher than two-year penalty when dealt with in the Local

Court. The bill includes savings and transitional provisions which state that the amended penalties only apply to offences committed after the legislation commences. The bill increases the maximum fine which may be imposed for certain table offences including common assault and committing an act of indecency from 20 penalty units to 50 penalty units. This brings the maximum fine for those offences into line with the maximum fine for similar table offences of a sexual or violent nature.

The bill amends the Criminal Procedure Act 1986 to simplify procedures for using random samples of child abuse material in prosecutions relating to child abuse material offences. The amended procedures will assist police in classifying large amounts of seized material. The amendments change the phrase "authorised analyst" to "authorised classifier". This change in terminology more appropriately reflects the role of the officer who performs the task of classifying the child abuse material contained in the random sample of seized material. An authorised classifier will be required by the regulations to be a member of the NSW Police Force who has undertaken training in the classification of child abuse material conducted or arranged by the NSW Police Force.

The seized material, from which the random sample is drawn, is broadly defined in the bill to include material that has come into the possession of a police officer in the course of exercising his functions. This may include material handed in to a police officer or material seized pursuant to a warrant. The amended procedures contained in the bill permit the authorised classifier to conduct an analysis of a random sample of seized material as opposed to a random sample of just the child abuse material. This change means that police do not have to extract the child abuse material from the seized material before taking the random sample. It also allows police to take a more representative sample of the material, including any innocuous material, thus simplifying the complex classification task.

The legislation includes safeguards requiring that the defence have an opportunity to view all the seized material before the random sample evidence will be admitted. As I have stated, this assists police in investigation and preparation for court and provides safeguards for the defendant. As a former detective I can only commend the Attorney General for introducing this legislation, as anything that can assist to bring matters before the court and making it easier for investigators in preparation of their case is good for the people of New South Wales. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [10.39 a.m.]: I speak on the Courts and Crimes Legislation Amendment Bill 2011, the objects of which are:

(a) to amend the *Criminal Procedure Act 1986* and the *Criminal Procedure Regulation 2010*:

(i) to provide a uniform limit on the maximum term of imprisonment that may be imposed by the Local Court when dealing summarily with an indictable offence (other than in relation to certain offences under the *Drug Misuse and Trafficking Act 1985*), and

(ii) to increase the maximum amount of fine that may be imposed by the Local Court when dealing summarily with certain indictable offences under the *Crimes Act 1900*, and

(iii) to include certain indictable fraud offences under the *Conveyancers Licensing Act 2003* and the *Property, Stock and Business Agents Act 2002* as offences that may be dealt with summarily by the Local Court, and

(iv) to change the requirements for the use of random samples of child abuse material in proceedings for offences relating to use of children in the production of child abuse material and the production, dissemination and possession of such material, and

(v) to clarify certain matters in relation to the provisions dealing with the protection of communications made in confidence to counsellors by the victims of sexual assault and to alter the regulation-making powers in relation to certain subpoenas.

The bill also will make amendments to the Director of Public Prosecutions Act 1986 and the Fines Act 1996. The Local Court plays an important role in how we function as a society and in the administration of the laws that govern us. The Local Court has criminal and civil jurisdictions and deals with the majority of criminal, summary prosecutions and civil matters up to $100,000. The Local Court also conducts committal proceedings to determine whether indictable offences are to be committed to the District Court and the Supreme Court. There is also limited jurisdiction under the Family Law Act 1975 to hear and determine family law matters. The Local Court can deal with applications such as property settlements and residence orders.

The Opposition does not oppose this bill. Achieving greater consistency in sentencing in the Local Court by having a maximum sentence of imprisonment of two years is a step in the right direction. The New South Wales Sentencing Council recommended this increase in the Local Court jurisdictional limit for some

summarily tried indictable matters. The public must have faith in our court system. We often hear and read about criticisms of the judiciary from the people we have all pledged to serve. Achieving greater consistency in sentencing can only help to build public confidence in our courts. At the end of the day, if people have confidence in our courts the community can operate at ease and crime will be deterred.

This bill also provides for an increase in fines for some violent and sexual assault matters. Crimes of that nature are among the most disgraceful. We on the opposition side of the House have no issue with harsher penalties for such crimes. The former State Labor Government delivered well on law and order with most major categories recorded by the Bureau of Crime Statistics and Research [BOCSAR] statistics showing downward trends at various reporting stages. I recall at one stage in Labor's last 12 months of government that all 17 categories of major crimes were trending down.

My community in Cabramatta hopes that the current Government continues the former State Labor Government's good work in law and order so that our streets remain safe. I will leave the matter of gun violence and drive-by shootings for debate on another day. As I have stated, this legislation includes other minor amendments, such as the clarification of pension provisions as they apply to the Director of Public Prosecutions, making conditions that are attached to the position of the Director of Public Prosecutions the same as those for judges who retire medically unfit or who die in office. The Opposition does not oppose this bill.

Mr CHRIS PATTERSON (Camden) [10.43 a.m.]: It is with pleasure that I participate in debate on the Courts and Crimes Legislation Amendment Bill 2011, which aims to amend a number of Acts to improve the efficiency and operation of the State's courts and tribunals as well as criminal laws. I commend the member for Cabramatta on his speech. In almost 12 months, his contribution to this debate was as positive as I have heard from him but—there is always a rider—I look forward to the member for Keira showing similar enthusiasm during his speech. There may be a first.

ACTING-SPEAKER (Mr Gareth Ward): Order! The member for Camden will not incite interjections from the member for Keira, who needs no assistance.

Mr CHRIS PATTERSON: I welcome the very positive comments made by the member for Cabramatta. At the least, the current system risked error on the part of police or prosecuting authority in proceeding on the basis that the matter could be adequately dealt with in the Local Court when, in reality, the maximum term of imprisonment may be capped at 12 to 18 months. This amending bill will apply a uniform two-year limit and will ensure that the Local Court has adequate power in relation to those matters. The New South Wales Local Court deals with the vast majority of criminal matters in our criminal justice system—everything from parking and littering through to extremely serious offences involving a high degree of criminality. The time limitations and the greater range of offending dealt with in the Local Court means, from a practical point of view, that while the law of sentencing applies in the Local Court, it has to be applied and executed in a more efficient and practical way.

Other amendments to this bill aim to simplify the procedures for random samples of material in prosecutions relating to child abuse material offences and will allow police to take a more representative sample of the material, including any innocuous material, rather than just a sample of child abuse material that has come into the possession of a police officer in the course of exercising his or her functions. A safeguard in the legislation is amendment of section 289B (6) that will require the defence to have the opportunity to view all the seized material before random sample evidence will be admitted. The amendments also remove the requirement in section 289B (4) that the sample and examination be conducted in accordance with the regulations.

The bill includes amendments to clarify how the Judges Pension Act 1953 operates in relation to the Director of Public Prosecutions. Currently, as is the case with judges, the Director of Public Prosecutions must serve at least 10 years and reach the age of 60 while in office to receive a pension. The present Director of Public Prosecutions will not reach 60 years of age while in office and after the fixed term of 10 years will not be entitled to a pension. The proposed amendments will make it clear that the Director of Public Prosecutions is eligible for the pension under section 5 of the Judges Pension Act 1953, notwithstanding that he or she may not be able to reach the age at which a pension is usually payable.

The bill also amends section 13 of the Fines Act 1996 that governs the referral of unpaid court fines to the State Debt Recovery Office for making court fine enforcement orders. JusticeLink will enable most New South Wales Courts to automatically refer unpaid court fines to the State Debt Recovery Office. The intention of the Courts and Crimes Legislation Amendment Bill 2011 is to introduce a more efficient and defining operation

of the courts. I commend the Attorney General for introducing this legislation. I also commend members of the Attorney General's staff who have worked tirelessly on preparation of the bill. The Attorney told me that Ed Clapin, who is a policy adviser, has worked exceptionally hard; Garry Travers, who is the head of policy, has done an outstanding job; as has Noel McCoy, who is a tireless worker in the Attorney General's office. On that positive note, I commend the bill to the House.

Mr RYAN PARK (Keira) [10.48 a.m.]: It is with pleasure that I join in debate on the Courts and Crimes Legislation Amendment Bill 2011, which was introduced by the Attorney General, and Minister for Justice. I reiterate that the Opposition will not oppose the bill. I do not know the state of the preselection support for the member for Camden but, as he is not a bad bloke, anyone who has worked with him and of whom he has a good opinion must be doing a good job. It is important to recognise staff who do a great job and who I am sure provide sterling service to Ministers. Given the number of members who have spoken on this monumental policy change and reform, the Attorney General's staff must have been pumping away at all hours producing their fabulous speeches. The photocopier in my office ran out of toner ink the other day and I asked for a new cartridge from the Parliament House office that provides such items only to be told that the Attorney General's office had used it all doing photocopies of speeches for Government members about this huge reform bill, the Courts and Crimes Legislation Amendment Bill 2011.

Dr Geoff Lee: Point of order: My point of order relates to relevance. Mr Acting-Speaker, I ask you to direct the member for Keira to return to the leave of the bill.

ACTING-SPEAKER (Mr Gareth Ward): Order! I uphold the point of order. As entertaining as he is, I ask the member for Keira to return to the leave of the bill.

Mr RYAN PARK: This is a very important bill and if I do not hear at least 50 more Government members speak on it I will be very disappointed. The reality is that members of the Opposition are always happy to support legislation designed to streamline the operations and to improve the efficiency of our courts. We live in a democratic society and the court system is a fundamental element. I support the Attorney General's work in improving that system, and I certainly support the shadow Attorney General, who is very knowledgeable about the legal system and court processes. He has reviewed this legislation carefully, as have other members on this side of the House, and we are happy to support it. We are particularly happy that it is designed to achieve consistency in the Local Court and to streamline processes for police officers and investigators.

The member for Myall Lakes, who was a police officer, a solicitor, milkman or whatever, has assured me that this legislation will improve the system for police officers. Its primary objective is to support police officers and others who bring matters before the Local Court. This is important legislation that aims to improve the efficiency of our legal system and to assist police officers and those involved in very difficult, challenging and appalling cases, particularly those involving child sexual abuse. We all have a duty to support any measure that aims to assist them in that regard. I look forward to seeing the improvements that this legislation will deliver. However, I also look forward to the Government's introducing some major reforming legislation in this place over the next few weeks. I am starting to feel that we have another Library Amendment Bill coming on. Surely after 16 years in Opposition members opposite have enough legislative ideas to let the Attorney General take a break from the photocopier. The best assistance members opposite could give him would be to write their own speeches.

Dr GEOFF LEE (Parramatta) [10.55 a.m.]: I support the Courts and Crimes Legislation Amendment Bill 2011. It is wonderful that the Opposition supports these commonsense and appropriate amendments. The member for Myall Lakes made some great observations. I know that he is watching this debate on the television in his office because he is such a hardworking member. Members of the Opposition noted that he has a strong background in law and order and justice and he described this legislation as a common sense approach. The member for Camden said that it will increase the efficiency of the court system. I join him in congratulating the Attorney General's staff on their wonderful effort and the hard work that they have done over the past 12 months to deliver these important reforms for this State.

The bill has the following objectives:

(a) to amend the Criminal Procedure Act 1986 and the Criminal Procedure Regulation 2010:

(i) to provide a uniform limit on the maximum term of imprisonment that may be imposed by the Local Court when dealing summarily with an indictable offence (other than in relation to certain offences under the Drug Misuse and Trafficking Act 1985), and

(ii) to increase the maximum amount of fine that may be imposed by the Local Court when dealing summarily with certain indictable offences under the Crimes Act 1900, and

(iii) to include certain indictable fraud offences under the Conveyancers Licensing Act 2003 and the Property, Stock and Business Agents Act 2002 as offences that may be dealt with summarily by the Local Court, and

(iv) to change the requirements for the use of random samples of child abuse material in proceedings for offences relating to use of children in the production of child abuse material and the production, dissemination and possession of such material, and

(v) to clarify certain matters in relation to the provisions dealing with the protection of communications made in confidence to counsellors by the victims of sexual assault and to alter the regulation-making powers in relation to certain subpoenas …

The bill also makes some minor changes to two other pieces of legislation. As the member for Camden said, this legislation is designed to increase the efficiency of the courts. Government members are keen to make the system fairer and more just and to ensure that it is more timely not only for defendants but also for society as a whole. The legislation makes uniform changes to the operation of the Local Court. The sentence for offences in tables 1 and 2 with a maximum penalty of 12 months or 18 months imprisonment to be proceeded with in the Local Court has been increased to a uniform two-year term of imprisonment. This amendment will give courts the power to ensure adequate sentencing in these matters. That is a common sense approach and it is illustrative of the Liberal-Nationals Government working hard for New South Wales. It also demonstrates the Attorney General and his staff's effectiveness in this area and in making other amendments to legislation to improve law and justice in New South Wales.

Like everyone else, I listened to the Alan Jones program while I was driving to work this morning. He was interviewing the Attorney General and was very complimentary about his performance. He acknowledged that the Attorney General is not going soft on law and order. He is balancing the need to reduce the burden that the law and order system places on society and encouraging people who have strayed to the wrong side of the law to live a law-abiding life and to be productive members of society. He is also trying to take the pressure off our prison system, which costs a great deal of money to operate, and in the process to improve our society. It has been my privilege over the past 10 months to contribute to debates on numerous bills introduced by the Attorney General. Only yesterday I participated in the debate on the Children (Detention Centres) Amendment (Serious Young Offenders Review Panel) Bill 2011.

As a result of research and consultation, the panel membership is being changed to include a police officer and a representative of the director general of the Department of Attorney General and Justice, which is most appropriate. We also debated the Criminal Procedure Amendment (Summary Proceedings Case Management) Bill 2011. That demonstrates that we have a very hardworking Attorney General who has introduced numerous pieces of legislation in the first two weeks of this year's sittings. The bill reforms the case management process and improves court efficiency by encouraging parties to reach agreement about matters that are not in dispute and to focus upon areas of contention. This will free up court time and save the State money. It will assist judges and magistrates in resolving issues. Eliminating unnecessary delays will also help the prosecution and certainly defendants and their families. We need not only cost-effective, but timely justice.

The Crimes Amendment (Consorting and Organised Crime) Bill 2012 increases the penalty for drive-by shooting offences, and is a solid and an appropriate reaction. Of course, such shootings have been reported in the media recently, and western Sydney is being menaced. However, I have spoken to local area commanders at Parramatta, Rosehill and Granville, and I have every confidence in their ability to resolve the situation. I understand that they are doing a lot of work behind the scenes. Police are collecting evidence through wire taps, surveillance and so on. Of course, they cannot make the information public because the investigations are ongoing, but they have had numerous wins already and certainly I support those police in that difficult work. The bill also makes it an offence to consort with members of criminal organisations.

I also had the privilege of speaking in debate on the Crime (Sentencing Procedure) Amendment (Children in Vehicles) Bill 2011. The bill makes it an aggravating factor in sentencing if a child aged under 16 years is in the car when certain traffic offences are committed. That is another common sense approach. We can see in all these bills the common sense approach of the Liberal-National Government and the Attorney General in ensuring more efficient and timely law and order processes. The Statute Law (Miscellaneous Provisions) Bill (No 2) 2011 makes various amendments to New South Wales Acts to improve efficiency in the operations of the court. The Identification Legislation Amendment Bill 2011 adopts another common sense approach in giving police the power to seek—

Mr Bruce Notley-Smith: That's what we need.

Dr GEOFF LEE: The member for Coogee is quite right: it is important to take a common sense approach and give police the power to identify persons who are suspected of having committed a crime. It is great that the Attorney General is getting on with the job of reforming the law and making New South Wales number one again. The Courts and Crimes Legislation Amendment Bill 2011 is just another example of his hard work and diligence. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [11.03 a.m.]: According to the Attorney General, the Hon. Greg Smith, the Courts and Crimes Legislation Amendment Bill 2011 seeks to achieve the following objectives. First, it introduces uniform limits on the term of imprisonment for indictable offences dealt with summarily by the local courts. The maximum period that an offender may be imprisoned for offences that are determined summarily is the shorter of the maximum term indicated by the relevant legislation, or for a period of no more than two years. Secondly, in relation to the submission of evidence relating to child abuse proceedings, the legislation seeks to allow the submission of a random sample of evidentiary material, certified by an authorised classifier, where there is a large volume of material. According to the Attorney General, this amendment will give police the ability to take a more representative sample of material, including innocuous material, rather than just a sample of the child abuse material. Thirdly, the bill clarifies how the Judges' Pensions Act 1953 applies to the remuneration provisions of the New South Wales Director of Public Prosecutions; and, fourthly, it amends the means in which unpaid court fines are referred to the State Debt Recovery Office for the making of enforcement orders.

It is clear that the Attorney General has been rather busy. I view the second of the two objectives—that relating to the evidentiary matter of child abuse proceedings—as a step in the right direction. The third and fourth objects are procedural changes. I will elaborate on the changes that deliver the first objective—the creation of uniform maximum sentences for offences that are dealt with summarily. Since March 2011, when Barry O'Farrell and the Liberal Party took stewardship over the management of New South Wales, there has been a perception in the community that crime, particularly serious crime, has been on the increase. In particular, the spate of shootings in western and south-western Sydney has given many residents cause for concern about the state of law and order in New South Wales. What does not help is the perception that our laws are not tough enough to deter crime. In an article in the *Daily Telegraph* of 23 January 2012 the resolve of the Attorney General to tackle crime and criminal behaviour in New South Wales was put in the spotlight. The article said that the Attorney General has gone soft on crime.

Mr Andrew Gee: Point of order: I ask that the member be directed to return to the leave of the bill. His comments have absolutely nothing to do with the legislation.

ACTING-SPEAKER (Mr Gareth Ward): I am listening intently to the member for Fairfield. I do not believe he has departed from the intent of the bill at this point, but I will continue to listen and invite members to draw that to my attention.

Mr GUY ZANGARI: The article said that the Attorney General had gone soft on crime because he had ordered the Law Reform Commission to find alternative forms of sentencing in lieu of incarceration. I now turn to the reforms in schedule 1 of the Courts and Crimes Legislation Amendment Bill 2011. This part of the bill seeks to amend the Criminal Procedure Act 1986. Schedule 1.1 [4], which we are discussing, seeks to omit the entirety of section 268 (2) of the Criminal Procedure Act and replace it with a new list of penalties, stipulating both financial penalties and maximum jail time. However, despite setting the default maximum term of imprisonment at two years, the change it introduces is cosmetic. The changes will affect only paragraph (k) of the whole of section 268 (2). This relates to section 10 or 20 of the Liens on Crops and Wool and Stock Mortgages Act 1898, where the maximum term of imprisonment is doubled to two years. Wow, this is riveting stuff—as you can see, Mr Acting-Speaker.

Despite the shooting epidemic that has been running rampant through western Sydney—a problem that extends back to last year—today we are debating, before addressing any provision to restore the confidence of the people of New South Wales in this Government to tackle the growing crime rate in our State, a provision that will see a change to the maximum default penalty to two years for incidents relating to section 10 or 20 of the Liens on Crops and Wool and Stock Mortgages Act of 1898. The Attorney General and the Government should have properly amended the Crimes (Criminal Organisations Control) Bill 2012 in order to restore public confidence in their ability to address law and order issues, instead of carelessly reintroducing it to Parliament

last Wednesday. They should have amended the legislation so that it does not allow members of criminal families a get-out-of-jail-free card. They should have considered what was happening in south-western Sydney, listened to local residents and realised that the legislation they were reintroducing should be tweaked.

Mr Bryan Doyle: The member for Fairfield has clearly deviated from the leave of the bill. We have raised this point of order before. I ask you to draw him back to the leave of the bill.

ACTING-SPEAKER (Mr Gareth Ward): I draw the attention of the member for Fairfield to the fact that this debate is about the substance of the bill. I have given some latitude, but he is deviating slightly from the bill. I draw the member back to the leave of the bill.

Mr GUY ZANGARI: I return to the bill. Instead, for the past couple of months the Attorney General and the Government have chosen to concentrate on making sure that perpetrators who breach section 10 or section 20 of the Liens on Crops and Wool and Stock Mortgages Act 1898 are subject to the full force of the law. Never mind the gang wars or the 64 unexplained shootings in eight months; the residents of western Sydney can now sleep easy—

Mr Andrew Gee: Point of order: Again, the member for Fairfield is going off on a frolic about what he thinks should be in the legislation. His remarks have absolutely nothing to do with the bill. I ask that he be directed to return to the leave of the bill.

ACTING-SPEAKER (Mr Gareth Ward): Order! I uphold the point of order. The member for Fairfield will return to the leave of the bill.

Mr GUY ZANGARI: I will conclude. The residents of western Sydney can sleep easy because the Government is talking tough about those who decide to breach section 10 or section 20 of the Liens on Crops and Wool and Stock Mortgages Act 1898. At the moment the people of New South Wales have little reason to have confidence in this Government when it comes to law and order.

Mr BRYAN DOYLE (Campbelltown) [11.10 a.m.]: It gives me great pleasure to support the Courts and Crimes Legislation Amendment Bill 2011. The bill amends the Criminal Procedure Act 1986, which governs the conduct of criminal matters. It should be noted for historical purposes that the Criminal Procedure Act replaced the time-honoured Justices Act 1902, which governed the procedure for dealing with criminal offences in New South Wales for some 70 years. This 2011 bill is important because the odds are that anyone who goes to court in New South Wales will attend the Local Court, where matters are prosecuted by a police prosecutor and defended by a Legal Aid or local solicitor before a judge. The Local Court is our great bastion of justice, and is perhaps the only place where no-one really wants to be.

Criminal offences in New South Wales are divided into three broad categories. Summary matters can be dealt with only by the Local Court and constitute the bulk of its work. Indictable matters can be dealt with by the local or district courts, depending on election by the parties. Those matters are usually referred to as cases involving T1 and T2 offences—T2 are indictable offences that can be dealt with on election by the prosecution and T1 are more serious indictable matters that can be dealt with on election by the prosecution or defence. Electing whether to deal with the matter in the District Court or retain it in the Local Court is serious business as it impacts on the court's ability and the sentencing jurisdiction and it ensures that justice is served for the victim and offender. Consideration usually includes the prior criminal history of the defendant, the objective seriousness of the offence et cetera.

The third category relates to strictly indictable matters, which can be dealt with only by superior courts—that is, the District Court and the Supreme Court. Of the most common offences dealt with before the Local Court, the vast majority relate to traffic offences—high-range prescribed concentration of alcohol [PCA], drive whilst disqualified, low-range prescribed concentration of alcohol, mid-range prescribed concentration of alcohol, and unlicensed driving. When I attend U-Turn the Wheel programs I always tell participants that the quickest way to get into trouble with the law is to get behind the wheel of a car and disobey the road rules. Assault, larceny and assault occasioning actual bodily harm dominate the list of indictable offences heard by the District and Supreme courts. This legislation makes it easier for parties to elect appropriate court venues.

The bill introduces a uniform limit on the maximum term of imprisonment that may be imposed by the Local Court when dealing summarily with an indictable offence. It does so by increasing those offences carrying a mixture of 12 and 18 months imprisonment to a uniform penalty of two years. For example, the offence of

swearing a false declaration under section 25 of the Oaths Act has its penalty increased under this bill from 12 months to two years. That offence carries a penalty of five years on indictment. Members will recall the recent offence involving a false complaint made against a police officer at Campbelltown. I welcome the increase of the jurisdictional limit to reflect the seriousness of that offence.

The bill also addresses increases in fines. A fine is the penalty par excellence of the Local Court and accounts for more than half the penalties imposed by that court—similar to the member for Fairfield's use of the school detention system. I suppose teachers use detention as a last resort, preferring instead to impose other penalties. However, fines imposed by the Local Court do not take into account the issuing of self-enforcing traffic and parking infringement notices, which are known in law enforcement as a "pill" because, to use common parlance, they make people feel better. Taking everything into account, fines account for the vast majority of penalties imposed in New South Wales. Some offences where the penalties are being increased from 20 units to 50 units include obstructing a member of the clergy—which, thankfully, is rarely used. However, another offence attracting an increased penalty under this bill is assault, which is a major offence that is dealt with by the Local Court. This increased penalty is welcomed as it improves the ability of the court to reflect the seriousness of that offence.

The bill also addresses technology. I see William Charles Wentworth looking down on us in the Chamber. One of my first jobs was as a clerk in the Campbelltown Court of Petty Sessions—as the Local Court was then known—where handwritten receipts were issued and the court list would be typed in triplicate using carbon paper. That sort of technology was very much in vogue at the time. Court lists are now prepared using computers, with electronic transfer of information. The bill recognises that courts now use an automated system to refer fines to the State Debt Recovery Office. The bill is like the wheelbarrow behind the truck: It is catching up with technology and reflecting what has happened. In this Chamber our learned Hansard reporters are assisted by technology through computerised recording but still rely most heavily on the ancient art of shorthand, and they do a wonderful job. I am pleased to support the Courts and Crimes Legislation Amendment Bill 2011 and I commend it to the House.

Mr BRUCE NOTLEY-SMITH (Coogee) [11.17 a.m.]: I am pleased to speak today in debate on the Courts and Crimes Legislation Amendment Bill 2011. Pursuant to the Government's regular review of the legislative system and monitoring program, it was found that miscellaneous amendments were necessary for the continued efficiency of the courts and the law. This legislation covers a vast range of areas as it is intended to fix a number of provisions that needed improvement either because of our ever-changing society or because things simply were not working. However, the greater and most pressing concern is to streamline the justice system to make it efficient, just and quick. Items [1] to [4] of schedule 1.1 to the bill will amend the Criminal Procedures Act 1986 to increase the severity of the prison sentence that local courts can impose. Previously at 12 to 18 months, local courts will now impose a uniform fixed two-year imprisonment for any indictable offence tried summarily. Raising the limit to apply across all relevant offences tried in local courts will result in more adequate sentencing power.

Alternatively, the next five items of schedule 1.1 benefit prosecutors and police officers involved in child abuse cases or cases in which child abuse material arises and who are qualified and authorised to handle it. The phrase "authorised analyst" will be changed to "authorised classifier" in sections 289A and 289B of the Criminal Procedure Act to make it clearer and to include a member of the NSW Police Force who has undertaken training in the classification of child abuse material that is conducted or arranged by the Police Force. Previously no training would have been provided. This amendment assists police in their work creating a better representation of the material evidence that was limited by the previous bill. For example, another way this amendment improves the system is by omitting the definition of "child abuse material" or "alleged child abuse material the subject of proceedings concerned", and inserting instead, "seized material." A safeguard for the defence exists that goes with the broader definition of section 289B (6) requiring that the defence has the opportunity to view all seized material before it is admitted into evidence.

I will talk about the amendments being made with regard to sections 297 and 298 of the Criminal Procedure Act. In these sections the ability to produce certain documents recording a protected confidence is limited. The amendments will alter those sections to take into account situations where the court needs to take account of documents that happen to contain a protected confidence. It may override, where it sees fit, this limitation by negating, where necessary, the limits imposed in these sections. Section 305A of the Criminal Procedure Act has also been amended. Currently, the Act enables regulations to be made that can be imposed upon subpoena only in some cases of sexual assault. This amendment will make these regulations applicable to

all criminal proceedings if the subpoena requires that a document recording a counselling communication is involved. It is our view that these regulations can be applicable to all criminal proceedings, not just sexual assault cases.

In schedule 1.1, items [14], [15] and [16] contain a necessary cost-cutting amendment that allows some offences under the Property, Stock and Business Agents Act 2002 and Conveyancers Licensing Act 2003 to be tried in a Local Court as a summary offence. Currently, all these offences are required to be tried in a District Court, even in less serious matters, which can be an unnecessary and costly process. However, each case will be assessed prior to hearing to determine which court should try the case as there are some serious cases that should be tried in the District Court. Schedule 1.3 amends the Director of Public Prosecutions Act 1986 to introduce provisions with regard to Director of Public Prosecutions pensions. Currently, a Director of Public Prosecutions may not receive a pension unless he or she has at least 10 years service and is aged 60 years or over when he or she leaves office.

The same provision applies to judges under the Judges' Pensions Act 1953. This amendment makes the pension payable to a Director of Public Prosecutions no matter what age he or she retires if the director is forced to retire due to permanent disability and will be payable to the spouse of a director who dies whilst serving—no matter the age at which he or she dies. The point of these amendments is simply to make clear that a Director of Public Prosecutions will be eligible for the same benefit as judges. The benefits do not in themselves change, but merely ensure those who hold the office will be entitled to the same benefits in the special circumstances that I have just outlined.

Finally, the Fines Act 1996 is also amended under the bill. Section 13 states that overdue fines will be referred to the State Debt Recovery Office. Due to changing society—specifically, evolving technology—this has meant that since JusticeLink was introduced into the court system, fines have been referred automatically to the State Debt Recovery Office electronically, without a court registrar's personal review of the matter. In many cases referral to the State Debt Recovery Office was not a suitable outcome. This amendment states that section 13 is not applicable to courts that use an automated computer system to refer fines. This amendment calls for the cutting of costs, making the system work more smoothly and in some cases fixing errors in the system that have arisen due to changes in the way the system operates. In keeping with the Government's promise to save as much money as possible and to make the court system more efficient, this amendment makes all that possible. I commend the bill to the House.

Mr GLENN BROOKES (East Hills) [11.24 a.m.]: It is one thing for Parliament to pass a law intended to deter criminal behaviour, but it is entirely another to provide our courts and those employees who prosecute criminals with the tools they need to ensure that people who break the law are dealt with appropriately. The Government has a clear intention to send a strong message to the community that if you are prepared to do the crime, you had better be ready to do the time. The courts must be given the tools to deliver on that objective. The Courts and Crimes Legislation Amendment Bill 2011 is a step in the right direction. I say that because the bill will improve the operation of the State's courts and tribunals. The bill will improve the efficiency and operation of the State's criminal law. Who in this Chamber could deny that that is not a step in the right direction?

Under the Courts and Crimes Legislation Amendment Bill 2011 there will be an increase in the judicial sentencing limits of 12 to 18 months to two years for all specified offences under table 1 of the Criminal Procedure Act 1986. Every week, many hundreds of criminal cases come before local courts and there is a community expectation that each of those cases will be dealt with adequately. Amendments to the Criminal Procedure Act will make sure that the local courts have significant sentencing powers and will remove the possibility of error occurring as part of police or prosecuting authority procedures. The amendment will have an impact on reducing the number of cases where the sentences handed down seem too low. Further amendments to the Criminal Procedures Act are designed to simplify the process for random samples of child abuse material to be presented in prosecutions relating to child abuse offences and bring the legislation into line with present police procedures.

Child abuse is an area of crime that can never have enough attention. It is an abhorrent crime and the community rightly expects the Government and the courts to be tough on offenders. But regardless of how distasteful is the crime, every person who comes before the courts has an entitlement to be treated fairly and justly. The amendment to the Criminal Procedures Act will allow the police to take a more representative sample of the child abuse material and, without difficulty, classify the material within that random sample. Overall, the amendment will streamline procedures and create better outcomes for the community. Through the

Courts and Crimes Legislation Amendment Bill 2011 the Attorney General has presented to this Parliament a piece of legislation that will reduce red tape, simplify processes, reduce court costs and allow a greater number of cases to be processed in a shorter period of time. I congratulate the Attorney General on his excellent work in introducing this bill, which I commend to the House.

ACTING-SPEAKER (Mr Gareth Ward): Order! Before I call the next speaker I acknowledge the presence in the public gallery of representatives of the Illawarra and South East representative junior State champions. I extend a warm welcome to Jessica Holloway and regional coordinator Philip Holloway, who was my debating coach in high school. On behalf of the House, I wish you a warm welcome. Blame Mr Holloway for my being here.

Mr CHRIS HOLSTEIN (Gosford) [11.29 a.m.]: Mr Acting-Speaker, it is a shame you are in the chair and not on the floor of the Chamber debating, so that your former teacher might get a better indication of how you are performing. The Courts and Crimes Legislation Amendment Bill 2011 will amend the Criminal Procedure Act 1986 and the Criminal Procedure Regulation 2010 to provide a uniform limit on the maximum term of imprisonment that may be imposed by the Local Court when dealing summarily with an indictable offence; to increase the maximum amount of fine that may be imposed by the Local Court when dealing summarily with certain indictable offences under the Crimes Act 1900; to include certain indictable fraud offences under the Conveyancers Licensing Act 2003 and the Property, Stock and Business Agents Act 2002 as offences that may be dealt with summarily by the Local Court; to change the requirements for the use of random samples of child abuse material in proceedings for offences relating to use of children in the production of child abuse material; and to clarify certain matters in relation to the provisions dealing with the protection of communications made in confidence to counsellors by the victims of sexual assault and to alter the regulation-making powers in relation to certain subpoenas.

The bill will also amend the Director of Public Prosecutions Act 1986 and amend the Fines Act of 1996. The purpose of the bill is to make miscellaneous amendments to courts and crimes-related legislation, as part of the Government's regular legislative review and monitoring program. The bill will amend a number of Acts to improve the efficiency and operation of the State's courts and tribunals, and criminal laws. Yesterday members spoke in this Chamber about the public's perception of our courts. This Government is again being proactive in changing and improving criminal procedures while addressing public perceptions about the operation of our court system. The bill will amend the Criminal Procedure Act 1986 to apply a uniform maximum jurisdictional limit in the Local Court of two years imprisonment where that court is dealing with indictable offences summarily. Indictable offences capable of being dealt with summarily are set out in the tables and schedule to the Criminal Procedure Act.

At present, a number of offences appearing in the tables have a specified maximum penalty of 12 to 18 months imprisonment if proceeded with in the Local Court. These offences include matters of a violent and sexual nature, such as common assault and committing an act of indecency. Providing a standard jurisdictional limit of two years for all table offences will ensure the Local Court has adequate sentencing scope to reflect the criminality of these offences. These provisions will not affect certain offences under the Drug (Misuse and Trafficking) Act 1985, which carry a higher than two-year penalty when dealt with in the Local Court. The bill provides that the amended penalties apply only to offences committed after the legislation commences. The bill also increases the maximum fine that may be imposed for certain table offences, including common assault and committing an act of indecency, from the current 20 penalty units to 50 penalty units. This brings the maximum fine for those offences into line with the maximum fine for similar table offences of a sexual or violent nature.

I now turn to the amendments regarding random sample evidence. The bill amends the Criminal Procedure Act to simplify procedures for using random samples of child abuse material in prosecutions relating to child abuse material offences. These amended procedures will assist our police in the classification of large amounts of seized material. The amendments change the phrase "authorised analyst" to "authorised classifier". This change in terminology reflects more appropriately the role of the officer who performs the task of classifying the child abuse material contained in the random sample of seized material. An authorised classifier will be required by the regulations to be a member of the NSW Police Force who has undertaken training in the classification of child abuse material conducted or arranged by the NSW Police Force. The seized material from which the random sample is drawn is broadly defined in the bill to include material that has come into the possession of a police officer in the course of exercising his or her functions.

This may include material handed to a police officer or material seized pursuant to a warrant. The amended procedures contained in the bill permit the authorised classifier to conduct an analysis of a random

sample of seized material as opposed to just a random sample of the child abuse material. This change means that police do not have to extract the child abuse material from the seized material before taking the random sample. It allows police to take a more representative sample of the material, including any innocuous material, thus simplifying the complex classification task. This is about making the job of our police easier. The amendments also bring the legislation into line with present police procedure. The legislation includes safeguards requiring that the defence have an opportunity to view all the seized material before the random sample evidence will be admitted. To me, this bill is about ensuring our police are able to work effectively, and about ensuring that the community has confidence in our legal system.

To summarise, this bill amends the Criminal Procedure Act 1986 and the Criminal Procedure Regulation 2010 to provide a uniform limit of two years on the maximum term of imprisonment that may be imposed by a Local Court when dealing summarily with an indictable offence; increase the maximum fine that may be imposed by a Local Court when dealing summarily with certain indictable offences under the Crimes Act 1900; include certain indictable fraud offences under the Conveyancers Licensing Act 2003 and the Property, Stock and Business Agents Act 2002 as offences that may be dealt with summarily by a Local Court; change the requirements for random samples of child abuse material in proceedings relating to child abuse material offences; and clarify certain provisions dealing with the protection of communications made in confidence to counsellors by the victims of sexual assault. This bill is yet another example of this Government moving forward and making New South Wales number one again, restoring the confidence of the public in our criminal proceedings and providing for more effective and efficient procedures for members of the NSW Police Force. I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [11.37 a.m.]: The Courts and Crimes Legislation Amendment Bill 2011, which was introduced by our hardworking Attorney General, the Hon. Greg Smith, amends the Criminal Procedure Act 1986 and applies a more uniform approach in sentencing in the Local Court when that court is dealing summarily with indictable offences. The bill makes amendments to courts and crime-related legislation. I understand how important these amendments are because I have worked in the court system as a court officer in many of the local courts in south-west Sydney. In that time I saw instances of the need for more uniformity in sentencing while at the same time giving magistrates the flexibility to deal with more serious crimes in a way that sends a clear message to criminals: If you commit the crime you will do the time. I note that the amendments being debated allow for increases in fines that the Local Court jurisdiction can impose. As we have heard from speakers from this side of the Chamber, sometimes that is exactly what is needed to drive the message home.

This bill places a two-year limit on sentences for certain indictable offences. Offences that can be dealt with for sentencing in the Local Court can be found in the Criminal Procedure Act. Some of those offence already carry a maximum penalty of two years imprisonment; they will not be affected. A number of offences, however, will be subject to changes that better reflect the criminality of the crimes committed and the community's expectation that this Government will get tough on crime. Sentencing limits for offences of a violent or sexual nature should be revisited and I believe that this is a step in the right direction. I applaud the Attorney General for these amendments. These reforms follow a recommendation of the Sentencing Council after a review of the sentencing jurisdiction of local courts.

Furthermore, fines that may be imposed by a local court for certain indictable offences will also be increased. Certain offences that may be dealt with by a local court as a result of these amendments include indictable fraud offences, such as offences under the Conveyancers Licensing Act 2003 and the Property, Stock and Business Agents Act 2002. These amendments are evidence that this Government is getting tough on crime. But it has not stopped there. Also included in these amendments are requirements relating to random samples of child abuse material. Finally, there will be clarification on matters in relation to the protection of communications made in confidence to counsellors during sexual assault cases. The Fines Act 1996 will also be amended to allow computer-generated overdue court notices to be referred to the State Debt Recovery Office for the making of a court fine enforcement order.

I have been proud to speak on this bill and on the various other bills that the Attorney General has introduced recently. These bills indicate that we as a government take crime and matters relating to the punishment of crimes seriously. Our court system underpins the fabric of our society. The men and women of Wollondilly will welcome these changes because it means that our streets will be safer, our roads will be safer and our legal system will be better equipped to enforce the law under which we as a community operate. For too long those opposite failed in that area. We saw numerous Attorneys General, numerous Ministers for Police and,

for that matter, numerous Premiers presiding over each fluctuating Cabinet arrangement, but always forgetting to focus on the people of this great State. This Government has its attention on the people. It has its attention on the same individuals that those opposite forgot.

Amendments such as these, which those opposite have criticised today, are necessary to mend our State. This type of legislation sometimes needs big amendments and sometimes needs only small amendments. I note that the Opposition said that it supports the amendments, but today we heard the Opposition criticise some of the minor amendments, saying that they were the Government's only focus. If those opposite had got on with the job when they were in government we would not now be dealing with bill after bill to fix up their mess. Just yesterday the Attorney General introduced a bill to rectify legislation that those opposite introduced in 2009 but which was thrown out by the High Court. We have a hardworking Attorney General who is getting on with the job. It does not matter whether a large or a small amendment is introduced if it is necessary for the proper functioning of our courts and gives magistrates the ability to get on with the job of ensuring that crime is dealt with in a timely manner. But those opposite want to engage in political spin and I condemn them for that.

Mr Nick Lalich: Point of order: The member is misleading the House. This side of the House has supported all the bills introduced in the past two days. We have not opposed any bill. We have supported every bill put up by the Government and we have spoken in favour of them.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The member for Wollondilly will return to the leave of the bill.

Mr JAI ROWELL: I acknowledge Opposition members said they supported this legislation and I thank them for that. But earlier the member for Fairfield went on for almost five minutes saying that some of these amendments were trivial. They are not trivial. The Government is getting on with the job of ensuring that our courts work in a timely and efficient manner. The amendments will give greater powers to local courts and will create tougher penalties for those who operate outside of the law; they will increase fines for certain indictable offences, which will act as a greater deterrent to committing an offence; and they will provide more certainty in dealing with communications made in confidence in matters of sexual abuse. These are the issues that the Government is focused on and these are just some of the reforms that we are making as a proactive government eager to continue the good work we started soon after March last year. I commend the Attorney General for his hard work and I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [11.43 a.m.]: I support of the Courts and Crimes Legislation Amendment Bill 2011. Since the election in March last year the Government has demonstrated common sense in many of its policies and procedures and the way it operates. We heard from our communities that things were getting bogged down and were not moving quickly enough purely because of the levels of bureaucracy and the red tape. The same thing happened to our judicial system. This bill is about using common sense, applying punishments that fit the crime and having matters dealt with in an appropriate court, whether it is the Local Court, the District Court, the Supreme Court or the High Court. Providing a standard jurisdictional limit of two years for all table offences will ensure that the Local Court has adequate sentencing scope to reflect the criminality of those offences.

Quite often in our communities we hear that the police go out and bust a crook, the crook goes before a judge and a penalty is handed down—the person is referred to circle sentencing or some other agency, or is given a prison term. That does not encapsulate the way that person should be dealt with. The reforms to the Local Court jurisdictional limit arise from a recommendation of the Sentencing Council. The Sentencing Council considered that the current system invited, or at least risked, error on the part of police or prosecuting authorities who maintained that a charge could be adequately dealt with in the Local Court. There are two types of offences, summary offences and indictable offences.

Summary offences are mainly heard by a judge alone with no jury. Summary offences are the less serious offences—petty crime, traffic offences and so on—and carry a maximum penalty of two years jail. Indictable offences are heard by a judge and jury—the accused person has a right to a trial. A person accused of committing an indictable offence can opt out of a hearing before a judge and jury. Indictable offences can be dealt with summarily unless the prosecutor or the person charged elects otherwise. That is good common sense. Indictable offences include murder, manslaughter, rape, kidnapping, grand theft, robbery, burglary, arson, conspiracy and so on. I am very pleased to support the Attorney General in tidying up these areas that bog down our local courts, particularly regional local courts that seem to have a high number of appearances.

The uniform two-year jurisdictional maximum will only apply to table offences that have a prescribed penalty on indictment of two or more years. When a table offence has a prescribed maximum penalty of less than two years on indictment, that will also be the maximum penalty that the Local Court can impose. If the offence requires a higher maximum penalty on indictment than the Local Court is authorised to impose then the case will be heard in a superior court. The bill will increases the maximum fine that may be imposed for certain table offences, including common assault and committing an act of indecency, from 20 penalty units to 50 penalty units.

That amendment brings the maximum fine for those offences into line with the maximum fine for similar table offences of a sexual or violent nature. This amendment will no doubt be applauded by those in the judicial system and also by our hardworking police who are on the front line every day busting crooks and trying to keep our streets safe. We hear about antisocial behaviour and alcohol-related crime, but how do we fix it? We have to clean up our streets, we have to make our streets safer again, and the way to do that is to catch the crooks, bust them and then put them in jail—make the punishment fit the crime. Our local courts will have the ability to do that. If the offence requires a penalty of two years or more then the case will go on indictment up the line to a superior court.

The bill amends the Criminal Procedure Act 1986 to enable the Local Court to apply a more uniform maximum jurisdictional limit of two years imprisonment when that court is dealing with indictable offences, some of which I highlighted earlier. Common sense is being applied here. The Attorney General is getting on with the job of ensuring that we streamline processes to make it easier for our law enforcement officers and judges to do their jobs, to make the penalties fit the crime and make our streets safer. This is common sense at work and I commend the bill to the House.

Mr TONY ISSA (Granville) [11.50 a.m.]: I support the Courts and Crimes Legislation Amendment Bill 2011. The purpose of this bill is to make miscellaneous amendments to the courts and crimes program. The bill will amend a number of Acts to improve the efficiency and operation of the State's courts and tribunals, and criminal law. At present there are a number of offences appearing in tables 1 and 2 that have a specified maximum penalty of 12 or 18 months imprisonment if proceeded with in the Local Court. An increase in the jurisdictional limit to two years for all offences in the tables will ensure the Local Court has adequate sentencing powers for these offences. The reforms to the Local Court jurisdictional limit arise from a recommendation of the Sentencing Council in its review of the sentencing jurisdiction of the Local Court. The council considered that the current system invited or at least risked error on the part of police or the prosecuting authority that a matter could be dealt with adequately in the Local Court when in reality the maximum term of imprisonment may be capped at 12 or 18 months.

Amending the Criminal Procedure Act to apply a uniform two-year limit will ensure that the Local Court has adequate sentencing power in these matters, should the election be made to deal with the offence in that jurisdiction. The bill amends the Criminal Procedure Act 1986 to apply a more uniform maximum jurisdictional limit of two years imprisonment in the Local Court when that court is dealing with indictable offences. The indictable offences that are capable of being dealt with in the Local Court are set out in tables 1 and 2 of the Criminal Procedure Act. Most of the offences appearing in the tables already have a maximum penalty of two years imprisonment if dealt with in the Local Court. These reforms will not impact upon those offences. A number of offences that appear in the tables presently have a specified maximum penalty of 12 or 18 months imprisonment if proceeded with in the Local Court. These offences include matters of a violent or sexual nature.

The bill includes savings and transitional provisions that state that the amended penalties apply only to offences committed after the legislation commences. The bill increases the maximum fine that may be imposed for certain table 1 and 2 offences including common assault and committing an act of indecency from 20 penalty units to 50 penalty units. The proposed amendments also will make it clear that the Director of Public Prosecutions is eligible for the pension under section 5 of the Judges' Pensions Act 1953. The proposed clarification will ensure that the Director of Public Prosecutions is treated in the same way as any judge who is medically retired or dies whilst in office. The bill will also amend section 13 of the Fines Act 1996 that governs the referral of unpaid court fines to the State Debt Recovery Office for the making of court fine enforcement orders. Currently, section 13 of the Fines Act requires court registrars to refer court fines to the State Debt Recovery Office if they have not been paid by their due date. This bill is a great step forward. I commend the bill to the House.

Mr ANDREW GEE (Orange) [11.54 a.m.]: I support the Courts and Crimes Legislation Amendment Bill 2011. I join the member for Wollondilly in expressing my disappointment at a couple of the cynical

contributions of members opposite. In particular the contributions of the member for Keira and the member for Fairfield were quite cynical and negative. That characterises the difference between members on that side of the House and those on this side. We are interested in the detail of policy and in reforming New South Wales. Unfortunately, for 16 years the Labor Party let the detail of policy slip and took its eyes off the ball. The rest is history.

Mr Stephen Bromhead: I think they had their snouts in the trough.

Mr ANDREW GEE: I thank the member for Myall Lakes for that contribution. The dogs may be barking—in the case of those two members it may be that the puppies are whining—but this caravan is moving on. We are making New South Wales number one again. This bill is yet another example of the Attorney General and the Liberal-Nationals Government improving efficiency and operation of the State's courts and tribunals and the administration of justice generally.

[*Interruption*]

I can still hear them whining. It is great to see the Silver Fox poking his head out of the foxhole every once in a while. I will now address a couple of aspects of this bill. Items [1] to [4] of schedule 1.1 amend the Criminal Procedure Act 1986 to apply a uniform maximum jurisdictional limit in the Local Court of two years imprisonment when that court is dealing with indictable offences summarily. This is an eminently sensible and practical amendment. The legislation as it currently stands lists a number of offences that have a specified maximum penalty of 12 or 18 months imprisonment if proceeded with in a local court.

Bringing in a uniform maximum two-year limitation on the term of imprisonment will ensure that local courts have the sentencing powers they need if matters are proceeded with in that jurisdiction, and bring greater clarity to the powers of the local courts in relation to these matters. The amendments to the Criminal Procedure Act to provide that certain indictable offences under the Property, Stock and Business Agents Act 2002 and the Conveyancers Licensing Act 2003 can be tried summarily before a local court are also eminently sensible. Currently, charges relating to these fraudulent accounting offences must be dealt with in the District Court which can be a costly and time-consuming exercise, particularly for less serious matters.

[*Interruption*]

I can still hear those puppies. Under the proposed amendments a prosecutor or accused will still be able to elect to have the matter dealt with in the District Court by way of indictment but only if the offence involves amounts of more than $5,000. This is also a practical amendment that is designed to have less serious matters dealt with quickly and more efficiently in local courts. I note that the bill also amends the Judges' Pension Act 1953 to ensure that the Director of Public Prosecutions is entitled to receive pension entitlements notwithstanding the fact that he or she may not be able to reach the age at which pensions are currently payable. That is another commonsense amendment.

Finally I note that the amendments to the Fines Act remove the requirement for the registrar of the court to refer unpaid court-imposed fines to the State Debt Recovery Office for the making of enforcement orders. These referrals can now be carried out electronically without the involvement of a registrar. It makes sense to remove the requirement for the registrar's involvement in circumstances in which it is unnecessary. The dogs may be barking but this caravan is moving on and we are making New South Wales number one again. We are doing it through detailed policies. I commend the Attorney General for introducing this important legislation. I thoroughly commend the bill to the House.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [11.59 a.m.], in reply: I thank members who contributed to the debate—the member for Liverpool, the member for Myall Lakes, the member for Cabramatta, the member for Camden, the member for Keira, the member for Parramatta, the member for Fairfield, the member for Campbelltown, the member for Coogee, the member for East Hills, the member for Gosford, the member for Wollondilly, the member for Tamworth, the member for Granville, and the member for Orange. An issue raised during debate warrants a response: Why are we are increasing the maximum fine that may be imposed by a Local Court when dealing summarily with certain indictable offences?

The penalty unit amount is being increased for three offences only, and they are Crimes Act offences for common assault, which is referred to in section 61; an act of indecency, which is referred to in section 61N; and obstructing a clergyman in the execution of duty, which is referred to in section 56. Under current

provisions, those offences carry a maximum fine of 20 penalty units and are dealt with in the Local Court. The purpose of increasing the penalty units to 50 penalty units for those offences is to bring the maximum penalty into line with similar offences of a violent or sexual nature referred to in section 268, such as assault occasioning actual bodily harm and indecent assault. 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.

EDUCATION AMENDMENT (RECORD OF SCHOOL ACHIEVEMENT) BILL 2012

Agreement in Principle

Debate resumed from 16 February 2012.

Ms CARMEL TEBBUTT (Marrickville) [12.01 p.m.]: I lead for the Opposition in debate on the Education Amendment (Record of School Achievement) Bill 2012 and indicate that the Opposition supports the bill. The object of the bill is to replace the School Certificate with a Record of School Achievement [RoSA] that will be available to eligible students who leave school prior to completion of the Higher School Certificate. There is no doubt that the School Certificate has been an important credential for New South Wales students since it was introduced in 1965, but we all know that the education landscape, particularly the secondary education landscape, has radically changed since then.

The vast majority of students now stay at school until year 12, but currently approximately 18 per cent of students do not attain the Higher School Certificate. Under landmark changes that increased the school leaving age to 17, which were introduced when Labor was in government—and which, I would claim, is one of the most significant secondary education reforms in the past 30 years—the trend towards staying longer at school will continue. As a result of those changes, a review was conducted by the Board of Studies in 2010—which also is when Labor was in government—and that found there was a lot of agreement that the School Certificate should be replaced by a new credential that would be based on a key set of directions. Last year the Coalition Government followed up that review with an announcement that the School Certificate would be abolished and that the Board of Studies would undertake further consultation in relation to its replacement. The bill before the House today is the culmination of that process.

I believe that establishment of the Record of School Achievement is a sensible step. New South Wales was the only State that still had a mandatory external examination in year 10. The introduction of the National Assessment Program—Literacy and Numeracy [NAPLAN] involves tests in years 7 and 9, and that has created further impetus for closer scrutiny of external testing in year 10. There was also widespread agreement that students who leave school at any time between the end of year 10 and up to the Higher School Certificate level should be able to have a credential that is more comprehensive, relevant and modern, and that could capture more of what a student had achieved up to the point at which they leave school.

The Record of School Achievement will be cumulative and will recognise students' achievements until the point at which they leave school. It will report results of moderated school-based assessments rather than external tests, and will be able to be compared between students across New South Wales. The Board of Studies has consulted widely and the Record of School Achievement offers a meaningful credential to students who do not stay at school to gain the Higher School Certificate. The bill also provides for the Board of Studies to provide a transcript of students' results at the request of the student or the school. I am also pleased to note that the Board of Studies has given a commitment to developing a tool that will allow for extracurricular activities to be recorded. That can help to form a more comprehensive picture of a student's interests and achievements.

I understand that the project will be piloted at some schools in 2012 and will focus on opportunities that already have authentication processes in place, such as first aid, the Duke of Edinburgh's Award, or the

Australian Music Examinations Board [AMEB] certification. Many students put a lot of time and effort into those activities. There is no doubt that the experiences and skills gained can be very valuable for future employment. The opportunity of having those activities included as part of their Record of School Achievement will be welcomed by employers, students and parents alike, as will the option for online literacy and numeracy tests, which students can sit more than once. The most recent results will be presented, should they leave school prior to completion of the Higher School Certificate.

The Opposition is supportive of the bill, but it is incumbent upon the Government to put in place the support necessary to ensure that the implementation of the Record of School Achievement is smooth. The Minister for Education referred during his agreement in principle speech to a process of moderation that will allow for grades across the State to be consistent. That is important because school-based assessments rather than external examinations pose an additional challenge for teachers. Parents, students and employers want to be sure that an A in Bourke means the same thing as an A in Bondi. I understand that the board will provide more comprehensive samples on its assessment resource centre website, including assessment tasks and annotated graded work samples. The board also will undertake teacher workshops to provide training and support to teachers and as well will monitor the allocation of grades.

I urge the Government to ensure that the process is properly resourced. There will be savings from the abolition of external examinations that formerly were part of the School Certificate. Community support for the Record of School Achievement grades as a result of school-based assessments will become stretched if the community does not think the grading process is fair. For that reason alone, it is important to resource the assessment process adequately. Our teachers already have that experience through standardised student reports and the grades that are allocated for the School Certificate subjects that are not externally tested, so I have every confidence that our teachers will manage the transition to the Record of School Achievement effectively. But successful implementation will require ongoing professional development and support.

I also ask the Minister to ensure that a very big effort is made to make students aware of these changes. It is my understanding that students must request the Record of School Achievement rather than it being awarded automatically at the completion of year 10. I understand the rationale behind this is to encourage students to not view the end of year 10 as the end of schooling, and that is important. I support measures to ensure that our Higher School Certificate completion rates increase. We know that the more years of schooling an individual completes, the more likely it is that they will have a better job, better health outcomes and better success later in life, which is why increasing school completion rates is important. However, there is no doubt that there always will be some students who leave school at the end of year 10, or at some stage prior to completing the Higher School Certificate, for a range of reasons.

Some students may not at the time see the importance of having a Record of School Achievement and may not request it, only to subsequently realise the value of it. While I am sure it would be possible for them to obtain access to the record later in life, I would like to think that students are strongly encouraged to receive their credential if and when they choose to leave school prior to achieving the Higher School Certificate or at the completion of year 10. In conclusion, I would like to see during implementation some extra assistance and support being made available to teachers and students in alternative learning centres. It is of course proper and appropriate that education reforms are guided by what is in the best interests of the vast majority of students, but we also know that students in alternative learning centres often come from very difficult backgrounds and disengage from school years earlier than most students.

Their teachers do an amazing job of re-engaging those students in formal learning, and many teachers who teach in those settings have told me that the School Certificate was a really important milestone that they could encourage their students to reach. Many of those students were probably not going to achieve their Higher School Certificate, although some do and every credit to them. But the School Certificate, the teachers have told me, was a milestone that they could really use to encourage their students to get a credential. The teachers in these centres do an amazing job. Many of these students have disconnected for a range of reasons—often a troubled home life or mental illness or homelessness—and I would like to think that we do not make it more difficult for these students to gain a credential that is beneficial to them as they go out into the wider world of work, training or further education.

The Opposition supports the legislation. We believe it is sensible reform. It is important that students who leave school prior to completing their Higher School Certificate have as comprehensive a record as possible of their results and their achievements to present to prospective employers or to take with them into the next stage of their education. The Record of School Achievement provides for that. I know that it has been supported by the vast majority of stakeholders, including the Secondary Principals Association, the Teachers Federation and other stakeholders and, as I said, the Opposition supports this legislation.

Mr JOHN FLOWERS (Rockdale) [12.17 p.m.]: I am pleased to speak on the Education Amendment (Record of School Achievement) Bill 2012. This bill amends the Education Act 1990 to provide for a new school credential for those students who leave school prior to their Higher School Certificate. The new credential is the Record of School Achievement. I acknowledge the commitment the Minister for Education has shown with his education reforms that are bringing the education system into the twenty-first century. Education in New South Wales is now more meaningful to students, parents, employers and the broader community, and I thank the Minister for that. The Minister visited my electorate of Rockdale last year and is determined that all students across New South Wales will enjoy the best possible learning environments. With the introduction of the Record of School Achievement, students leaving school prior to their Higher School Certificate, now leave school with a far more meaningful record of their school experience.

The Record of School Achievement commencing this year will ensure that all students leaving school before completion of their Higher School Certificate examination can receive this credential. Students who have completed year 10 in 2012 will be the first eligible students to receive the Record of School Achievement. The Education Amendment (Record of School Achievement) Bill 2012 amends the Education Act 1990, replacing references to the School Certificate with references to the Record of School Achievement. As members would be aware, in August last year the Minister announced that the School Certificate would be abolished from 2012. The last New South Wales School Certificate examinations were held in November 2011. This decision was made following consultation with the Board of Studies and stakeholder groups representing parents, teachers and principals. On 4 August 2011 the Minister said:

> Students who leave before they complete their HSC deserve a credential which is modern and relevant. Just as importantly, employers want to see a credential which is meaningful to them.

The Record of School Achievement will do just this. It will replace a credential which was first introduced in 1965. This is the single most significant change to secondary school credentialing in New South Wales in more than a decade. I am sure that students will be proud to have a cumulative and comprehensive credential. It will demonstrate what they have achieved while they were at school. These may include a student's vocational courses, vocational experiences, citizenship and leadership achievements, including first aid courses, community languages, and Duke of Edinburgh awards. Eligibility requirements for the award are outlined in proposed new section 94. Students will still be required to complete year 10, be required to participate in the requisite courses of study, and have undertaken the requisite examinations and other assessments to the satisfaction of the Board of Studies.

Unlike the School Certificate which was awarded at the completion of year 10, the Record of School Achievement will not be awarded at a specific point in time, but rather will be awarded when, eligibility requirements having been met, the student leaves school. New section 94 will no longer require mandatory statewide tests. Instead, assessments and examinations the school may wish to include in its internal assessment program will be included in the new credential and these will be moderated in a manner determined by the Board of Studies, such that a grade in one subject awarded to a student in one school is consistent with the same grade awarded in the same subject at any other New South Wales school.

New section 98 will specify that the Board of Studies will keep a record of a student's results in courses of study undertaken in years 10, 11 and 12 for a recognised certificate at a government school or an accredited non-government school. The record may include any other information relating to the student's activities while at school as the board thinks fit. That new section also states that the board may provide a transcript of study that sets out a student's record to the student, to the school attended by the student or to any other person or body authorised by the regulations. New section 98 further states that the board may provide special records of achievement to students with intellectual disabilities who undertake formal courses of' study even though the courses are not undertaken for a recognised certificate.

Students attending high school in the electorate of Rockdale will directly benefit from these reforms. Parents and employers in particular are increasingly interested in having a clear understanding of a student's fundamental level of literacy and numeracy. The Record of School Achievement will achieve this. It also will provide information on the student's extracurricular activities. This information can help form a more comprehensive picture of a student's interests, commitments and achievements in areas other than school. Employers seek more than just an academic transcript from students. They also welcome knowledge of the student's experiences and contributions within and outside of school. This paints a far better picture for the employer of the student's overall capabilities.

The benefits to the community are many, and will be found in the inherent efficiency and effectiveness of this new credential. The Education Amendment (Record of School Achievement) Bill 2012 will provide for a

more extensive record of student results and other activities during years 10, 11 and 12. I am proud to be a member of the Liberal-Nationals Government which is delivering on education. As a teacher for over two decades, and having taught students in years 10, 11 and 12; I am confident that this modern credential will be appreciated not only by the students, but similarly by the teaching staff and the school communities. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [12.19 p.m.]: It is great that those opposite welcomed me to the lectern to speak. I contribute to the Education Amendment (Record of School Achievement) Bill 2012. The bill aims to amend the Education Act 1990 to replace the School Certificate with a Record of School Achievement. Examinations or other assessments for the new credential will be conducted on a school-by-school basis statewide. The bill will provide also for a more extensive record of student results and other activities during years 10, 11 and 12. As my colleague has mentioned already, the Opposition will not oppose this bill. It is important for our education system to continually improve and adapt to the times, which this bill accomplishes. By replacing the School Certificate with a Record of School Achievement, students will have a more extensive record of their activities and achievements kept by the Board of Studies.

Giving our children the best education possible is one of the most important things that New South Wales can do as a State. A good education leads to better opportunities for the next generation, whether that be continuing further education at university or TAFE or finishing school and undertaking an apprenticeship. Our teachers, educators and administrators deserve society's thanks for their important role in preparing our children for the next step in their life. New South Wales Labor always has supported our teachers and our education system as they assist the next generation in striving for achievement. This legislation and the subsequent abolishment of the School Certificate announced by the Government in August last year resulted from a review undertaken by the previous New South Wales Labor Government.

Stakeholder groups support a credential that holds more relevancy for the student and the department. By modernising the credentials, a student will leave year 10 with a record of achievement that is more meaningful to employers. These days employers often look to employ all-rounders. By that I mean that employers are interested in the entire package a prospective employee can bring to a job, not just their academic record. When I undertook my apprenticeship as an electrician, my employer, Brabon Brothers Pty Ltd, always considered the overall person, not just their academic record. One of the bosses, Bob Ewan, always said that some of the high academic achievers turned out to be the worst apprentices, but the guys who struggled through exams usually turned out to be the best apprentices because they did it hard to reach the end. I worked for a great firm and I loved every minute of the five years I worked there. I enjoyed also the people with whom I worked. It is true that all-rounders are much better than the majority of those who just happen to achieve high exam marks.

By representing a broader range of a student's achievements, the Record of School Achievement assists the employer by better explaining the student's credentials. This legislation removes the mandatory statewide tests that students have had to sit to achieve their School Certificate and complete year 10. Those tests will be replaced by school-based testing and examination to determine grades on the certificate. In order to ensure consistency of results, the Board of Studies will determine learning areas and moderate grades between schools. The Record of School Achievement also will be available for any student any time after the completion of year 10, adding greater flexibility to the system. While on the topic of records of achievement, it is appropriate to raise the education Minister's short yet appalling record so far while he has been in office. The debacle of the Assisted School Travel Program under Minister Piccoli has been embarrassing to the O'Farrell Government.

Mr Jai Rowell: Point of order: I ask that the member be directed to return to the leave of the bill. Clearly, he is not debating this legislation. He is talking about other matters that are completely irrelevant and he is almost misleading the House.

Mr NICK LALICH: To the point of order: We are talking about education.

Mr Daryl Maguire: To the point of order: I draw attention to the protocols of the House. When a member takes a point of order, the member speaking shall be seated. I ask that the member be directed to comply with the rules of the House.

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

Mr NICK LALICH: Madam Acting-Speaker, I was seated at the time.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! The member sat down on the second occasion.

Mr NICK LALICH: I got to my feet and I did not see the member seeking the call to the point of order. I am now sitting down.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! I ask the member to return to the leave of the bill.

Mr NICK LALICH: Sometimes the truth hurts and in line with that old saying, the members on the other side doth protest too loudly.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! The member will return to the leave of the bill.

Mr NICK LALICH: I have to say that to leave children with disabilities without transport to school is nothing short of disgraceful. How can that be misleading this Parliament?

Mr John Williams: Point of order: The member is canvassing your ruling.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! The member will return to the leave of the bill.

Mr NICK LALICH: I believe I got my point across. This bill creates a requirement for the Board of Studies to keep a more extensive record of student results and other school activities, as I have mentioned already. This bill introduces the ability for the Board of Studies to provide full transcripts to students who have undertaken but not completed year 11 or year 12 courses. In keeping with the times, the Board of Studies will be able to offer optional literacy and numeracy tests, which will be available online. Students will be able to sit the test more than once with the results of the most recent test being applicable when the student leaves school. The continued good education of our next generation has to be our priority. This legislation, which follows the review started by the former Labor Government, gives a better and well-rounded record of achievement for those students who intend to leave school after year 10. I repeat: the Opposition does not oppose the bill.

Mr JAI ROWELL (Wollondilly) [12.26 p.m.]: The Minister for Education has introduced the Education Amendment (Record of School Achievement) Bill 2012 that includes a new credential that is an important part of preparing our students for the world into which they will enter. The Record of School Achievement recognises learning over senior secondary schooling in a way that will be meaningful to our students and their communities. The bill reflects recent changes in our education system and prepares students for the many more changes they will face. Both here and abroad, secondary school systems continue to undergo an historical transformation. Initially established to serve a minority as an educational transition to higher education, upper secondary schooling is now undertaken by the majority of students, with lifelong learning becoming a condition for successful employment and life.

The drivers of this transformation are familiar and well documented: the rise of youth unemployment in the seventies and eighties, technical change and its impact on structural occupation and employment, and globalisation and the emergence of a knowledge-based society. While the policy response has varied, developed economies have looked to education as a foundation stone on which to maintain economic growth and employment capacities of citizens. Education authorities and individual school communities are responding with a range of curriculum, assessment and structural innovations that seek to broaden access to their senior qualifications and create credible pathways for this more diverse student group. This has led many to rethink the traditional organisational structures of schooling. In general, the trend is to place greater emphasis on continuity within the whole education system rather than on different levels and categories.

A rigidly divided system is seen more as an impediment than an incentive for age cohorts to complete their schooling. Despite the trend toward blurring the boundaries between different schooling levels, lower secondary schooling in most jurisdictions, including New South Wales, still prioritises a fairly broad set of subjects and competencies. The universal provision of schooling with these purposes often is understood in terms of a learning entitlement. Rigorous quality assurance processes are needed to guarantee public confidence in the delivery of this entitlement to all students. The Record of School Achievement is part of a suite of reforms in New South Wales that are providing meaningful and attractive options to students who do not complete their Higher School Certificate.

The Record of School Achievement will support the goal of increasing student retention; provide an official recognition of learning to those students who leave school prior to receiving their Higher School

Certificate; be available when a student leaves school after completing year 10; be cumulative, recognising a student's academic and other school achievements up until the point at which they leave school; and be comparable statewide. The abolition of the School Certificate is an important symbolic change that is intended to alter perceptions around the completion of year 10.

Whereas in the past it signalled the end of mandatory schooling, the new credential should be seen as a pathway to employment or senior years of school. New South Wales school students should see learning as continuing throughout their lives. Today, the New South Wales education system prepares students for industries and jobs that do not yet exist by providing them with the skills to access changing knowledge in the future. Our students need to be confident, flexible learners who are able to cope well with change. They need to be prepared for the challenges of the future and be able to develop innovative solutions to issues as they emerge. The Record of School Achievement is a credential that better prepares our students for the world they will face. It recognises that their learning is on a continuum and does not finish at the end of year 10.

The Record of School Achievement recognises that their learning achievements occur in many areas of their life and are relevant to future employers and trainers. It recognises that their learning needs to be communicated in a way that is meaningful to them and to their communities. I acknowledge the many high schools in my electorate that do a fantastic job: Wollondilly Anglican High School; Ambervale High School; Thomas Reddall High School; Picton High; Beverley Park High School; Mary Brooksbank School; Broughton Anglican College; and John Therry Catholic High School. I have seen the quality of their students from years 10 to 12 and it is amazing how those schools are adapting to the requirements of our area and preparing those students for university, Technical and Further Education [TAFE] or employment. Our schools do a fantastic job and it is great to see the education Minister supporting our schools, teachers and students. I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [12.31 p.m.]: I speak in support of the Education Amendment (Record of School Achievement) Bill 2012, and I congratulate the Minister for Education on its introduction. Never before have we seen such a hardworking, knowledgeable and highly regarded Minister. The Minister is out in the community, listening to the people.

Mr George Souris: Who are you talking about?

Mr STEPHEN BROMHEAD: I am talking about the education Minister, who obviously was once mentored by the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts.

Mr Nick Lalich: Point of order: The member for Myall Lakes is misleading the Parliament. He obviously has not read the local media in the past couple of months that says something different from what he is telling the House.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! There is no point of order.

Mr STEPHEN BROMHEAD: The Minister is listening to the community. I have 15 relatives who are schoolteachers and who very much support the Minister and what he is doing. The Minister has listened—unlike the apprentice, the member for Cabramatta, who is also known as the "grey fox". He did not listen to the community prior to 26 March, which is why he is sitting alone in the Chamber today. On 4 August 2011 the Minister for Education announced that the Government would introduce the Education Amendment (Record of School Achievement) Bill 2012. The changes in this bill are the result of extensive consultation undertaken by the Board of Studies with key stakeholder groups representing, principals, teachers, parents and all school sectors. The bill will omit references to the "School Certificate" from definitions of "recognised certificate", and detail the shape of the Record of School Achievement. Students will still be required to complete year 10 and to participate in the requisite course of study and have undertaken the requisite examinations and other assessments to the satisfaction of the Board of Studies.

In recent years a number of key stakeholders have expressed the view that the School Certificate, first awarded in 1965, was no longer valued by the majority of students or teachers. Following a review conducted by the Board of Studies, the Minister for Education announced that the School Certificate would be abolished. The Board of Studies was subsequently commissioned with the task of developing a new credential that took into account the increase in school leaving age to 17, the Commonwealth Government's National Assessment Program—Literacy and Numeracy [NAPLAN] testing to year nine, the introduction of the national curriculum, and developments in technology. In consultation with key stakeholder groups including principals, teachers, students, parents, and community members a new credential—the Record of School Achievement—was developed. This bill gives effect to that new credential.

It is important that students in high school from years 7 to 10 have something to aspire to, and this will certainly assist them. It will give those students who leave in year 10, who decide not to go on to years 11 and 12, something to take to employers and other groups. It looks not only at their academic assessments but also at the other contributions they make in and out of school. There are many students who, although not academically gifted, contribute to their school community and to the community generally. I am not just talking about sport but being involved in the community and in organising activities—social and otherwise—in school and outside school. Those activities will now be recognised, and the Minister should be congratulated on introducing this legislation. The object of the bill is to amend the Education Act 1990 to provide for a new school credential and record of achievement for those students who leave school prior to sitting for the Higher School Certificate.

All examinations or other assessments for the new credential will be conducted on a school basis but will be moderated on a statewide basis, allowing a comparison of apples with apples. The bill will provide for a more extensive record of school student results and other activities during years 10, 11 and 12. The bill has three key features: amend the Education Act 1990 to replace the School Certificate with a Record of School Achievement; permit examinations or other assessments for school credentials to be conducted on a school basis and moderated on a statewide basis; and provide for a more extensive record of student results. This bill is good for education, schools, students and employers. Looking back on my school years, I realise that, although I went on to year 12—or sixth form, as it was known in my day—it would have been good if the year 10 certificates had recognised other contributions. There were many students and friends of mine who struggled academically but who were excellent in other areas of school life. I congratulate the Minister, and I commend the bill to the House.

Mr JOHN SIDOTI (Drummoyne) [12.37 p.m.]: I support the Education Amendment (Record of School Achievement) Bill 2012. This bill is long overdue. When the Minister for Education, the Hon. Adrian Piccoli, outlined last year his plans to change the School Certificate it was widely recognised as being a step in the right direction. At this point New South Wales was the only State in the Commonwealth to have a year 10 external examination. Last week during a visit to Concord High School in my electorate the Minister for Education announced his intention to introduce legislation to create the Record of School Achievement—a credential for students who leave school prior to receiving their Higher School Certificate. The news received unanimous support from the teachers and students at Concord High School, and I am sure that support extends across New South Wales. There is no doubt in my mind that the current School Certificate is outdated and unable to deliver the outcome it was designed to produce when introduced in the early 1960s. It was first awarded in 1965 and no longer has value to the majority of students, teachers and employers.

Students now want up-to-date information about their school achievement credentials at the point that they need it. Replacing the School Certificate with a Record of School Achievement award will better reflect the demands of students, employers and the broader community. The Record of School Achievement will give all students who leave school before sitting the Higher School Certificate a formal credential that reflects the studies they have already undertaken. It will demonstrate what they have achieved. It will demonstrate what they have experienced. The details of the Record of School Achievement have been worked through with the cooperation of the Board of Studies and in consultation with key education stakeholders. More than 500 principals, teachers, students, parents and community members had key roles in this process. Some 450 responses were received in an online survey. The Record of School Achievement will be a cumulative, comprehensive credential awarded by the Board of Studies to eligible students when they leave school.

To qualify for an award a student must have attended a government or non-government school and have undertaken and completed courses of study. The first year 10 students will enter for the Record of School Achievement this year. The School Certificate involved some five external tests set by the Board of Studies for year 10 students. Under the Record of School Achievement system, grades will be awarded on teacher assessment. So it is crucial that the credential be awarded to eligible students when they leave school, even if they choose to leave in the middle of year 11 or year 12. This up-to-date process provides relevant information right to the point when a student leaves school. For a student who leaves in year 11, the record includes information on achievements right to the point when the student leaves. Apart from the teacher assessment, students will have the option to sit for tests that focus on literacy and numeracy skills. This is a much more user-friendly approach to education, and it will benefit students and teachers generally. After all, it is the teachers who know their students best. Members opposite had 16 years to come up with a number of education initiatives, but they failed to do so. Therefore, I am glad that they are very supportive of this bill.

Mr Ryan Park: Only because you are speaking.

Mr JOHN SIDOTI: I thank the member for Keira for his endorsement. Teachers are aware of external forces that may prevent certain students achieving their best in a stressful written examination setting.

Mr Ryan Park: Jedi forces?

Mr JOHN SIDOTI: No, it is not *Star Ways*. The Record of School Achievement enables teachers to help students map out the direction that their career paths will take. Examinations and other assessments will be conducted on a school-by-school basis. The Record of School Achievement will provide a more extensive record of students' results and other activities throughout years 10, 11 and 12. Sometimes that will involve voluntary work and community work. Unlike the School Certificate, which basically reflects grades in particular subjects, the Record of School Achievement will have more comprehensive information on the individual student, including his or her activities outside the school. Since the School Certificate was introduced in 1965, circumstances have changed. The Minister has responded to those changes and introduced a system that better reflects the achievements of students. Fewer students are choosing to leave school early—only about 18 per cent now choose to leave school before completing the Higher School Certificate. It is good that members on the other side of the Chamber support this change.

In conclusion, I point out that the Minister has visited the Drummoyne electorate no fewer than five times. The Minister's commitment to his portfolio is fantastic and has been very well received by the community. His most recent visit was to the Lucas Gardens School, a very well respected school in the Drummoyne electorate. It caters for the high needs of students with mental and other disabilities. The Minister presented the school with a cheque for $300,000. That was a great initiative. The Minister attended Ferragosto, also in the Drummoyne electorate, and Drummoyne Public School.

On numerous occasions I have made representations on issues related to the capacity of schools in my electorate, particularly in the Rhodes area, where the previous Government allowed unfettered development, particularly high-density development, without the necessary infrastructure upgrades. Many units were built and students and schools encountered all sorts of issues as a consequence. So I am very happy with the Minister's response. I am pleased the Minister has taken a keen interest in the inner west. If any Minister can deliver a solution on this very complex issue of capacity of schools in my electorate—particularly the need for another school in the Rhodes area—it is this Minister. I congratulate the Minister, and I commend the bill to the House.

Mr RICHARD TORBAY (Northern Tablelands) [12.45 p.m.]: It is great in a debate about education to hear interjections from both sides but have everyone in agreement. I am not going to spoil the party: I strongly support the Education Amendment (Record of School Achievement) Bill 2012, and I commend the Minister for its introduction. This measure has widespread support. All stakeholder groups—whether parents and citizens, the Teachers Federation, or school principals and their organisations—support the bill. That is because, from an educational and employment perspective, the existing School Certificate model, which was introduced in 1965—as was clearly articulated by previous speakers, many of them former teachers—is no longer valued by the majority of students and teachers. That is the consistent feedback that I have received from all stakeholder groups.

Members of my community have put to me that the antiquated School Certificate test does not adequately reflect the demands and aspirations of students, employers and those in the broader community. I think the legislation under debate is a great change. I recognise that the previous system served us well for many years. However, like all things, the need for strong investment in education means that change is necessary, and that is why we have at a State and a Federal level significant debate about education, the need for further investment and the need to stay competitive. I think that is what the Minister has in mind with the introduction of this legislation. I think he also has an eye, given his previous comments, on ensuring collaboration with the Commonwealth to achieve the educational objectives necessary to enable us to remain competitive.

New South Wales has a very proud record of achievement. It has always been in the top tier of achievements according to Australian statistics. That is so with education generally, but it is also true of higher education. We should all be prepared to talk about the proud history of New South Wales. But, as the Gonski report reveals, we need to keep our eye on the ball. Changes such as those proposed by the bill are necessary, and further investment in education, particularly public education, is absolutely vital to enable us to continue to deliver capacity to our students and communities—and particularly, from my perspective, those in regional and

rural New South Wales. So I commend the bill to the House. I also commend the Minister for his handling of a tough portfolio. I know that this Minister, who represents a large rural electorate, genuinely cares about this portfolio and his contribution to it. I wish him well in that, and I commend the bill to the House.

Mrs ROZA SAGE (Blue Mountains) [12.48 p.m.]: I support the Education Amendment (Record of School Achievement) Bill 2012. It is a well-established fact that the greater the level of education of an individual the greater the prospects of good employment and a better life. So when the previous Government amended the Education Act in 2009 to increase the school leaving age, that was applauded by educators and the community alike. Students in New South Wales were required to complete school to year 10 and continue until 17 years of age unless they undertook approved full-time education, training or paid work—or a combination of those—for at least 25 hours per week. That, in effect, made the School Certificate moribund. This bill introduces a new credential, the Record of School Achievement, which will be a more relevant record of schooling, especially for those students leaving school prior to completing the Higher School Certificate in year 12.

Over many years now there has been a trend for students to continue to upper secondary school rather than leaving in year 10, as had been the case prior to the 1980s. During the 1970s and 1980s there was an increase in youth unemployment, and technology impacted on occupations and employment. Together with increased globalisation and the emergence of a knowledge-based society, this has dictated that students remain in school to attain better qualifications so they can compete better in the jobs market. I have spoken to many tradespeople who have said that they now expect students to have completed year 12 before being considered for an apprenticeship. Traditionally, past applicants for apprenticeships were predominantly students leaving year 10.

However, because of changes in work practices and because of the requirement for a driver's licence in most instances, an older and hopefully more mature workforce is now preferred. The introduction of the School Certificate in 1965 provided an external assessment process for gauging the school achievements of year 10 students. Times have changed, and on 4 August 2011 the Minister for Education announced to Parliament the abolition of the School Certificate due to its lack of relevance. Today we are debating the introduction of its replacement, the Record of School Achievement.

Mr John Williams: RoSA.

Mrs ROZA SAGE: Yes—it is not named after me but very close. Education authorities and schools are responding to the retention of students in upper secondary school with a range of curriculums and alternative learning programs to make the school experience more relevant to integrating students into a work environment. In many schools in my electorate there has been a greater leaning to pathways and collaboration with TAFE study. I know of some high schools in the Blue Mountains that incorporate a Certificate II in Hospitality into the school curriculum utilising Wentworth Falls TAFE.

There has also been a rethink of the traditional organisational structures of schooling. In general, there is a trend to place a greater emphasis on the continuum within the whole education system rather than on different levels and categories. This ensures that students will be learning for life. Just this week a school principal in my area told me that the transition to retaining students until they are 17 and the continuation of education past the year 10 level will be a very difficult but exciting challenge. We were both in agreement that increased education will provide greater job opportunities, and hopefully go a long way to breaking the cycle of disadvantage in some pockets of the community.

The Record of School Achievement is part of a suite of reforms in New South Wales that is providing meaningful and attractive options to students who do not complete their Higher School Certificate. It will be not only an academic record but also a record of extracurricular achievements within the school setting and a record of worthwhile studies, achievements and contributions within the wider community. The Record of School Achievement will be a cumulative and comprehensive credential awarded by the Board of Studies to eligible students when they leave school. It will include optional tests focused on the literacy and numeracy skills required by school leavers, trainers and future employers. Students can accumulate evidence of their learning right to their last day of school.

With the abolition of external exams for year 10 there will be a heavy reliance on the moderation of results to ensure uniformity of standards across the State. This is not a new concept. It will work and has been used in other jurisdictions. I say with confidence that I personally passed through this process. During my high school years in Queensland the Higher School Certificate equivalent was abolished in the year before I entered

year 12. Then there was continual internal assessment—I imagine the system will work similarly here—with regular moderation meetings within school clusters and at higher levels. The system worked; it is a matter of teaching others the process.

Mr Nick Lalich: And you passed.

Mrs ROZA SAGE: And I passed very well indeed. In summary, the Record of School Achievement will support the goal of increasing student retention. It will provide an official recognition of learning to those students who leave school prior to receiving their Higher School Certificate. It will be available when a student leaves school after completing year 10; it will be cumulative, recognising a student's academic and other school and community achievements up to the point when they leave school; and it will be comparable statewide. The Record of School Achievement is a credential that better prepares students for life after school. It recognises that their learning is a continuum and does not finish at year 10, and it recognises their learning achievements in many areas of their life, not just their academic achievements.

This all-roundedness is important to future employers. As an employer, I can relate to the need to find a potential young employee who has participated fully in their family, community and school, which has made them an all-rounder—someone who is willing to contribute in a team environment. I believe the new Record of School Achievement will be a meaningful and accurate credential for those students leaving school and their potential employers and trainers. I congratulate the Minister for Education on the reforms in the bill; this is truly an historic occasion. I commend the bill to the House.

Mr RYAN PARK (Keira) [12.56 p.m.]: I want the House to recognise that this is the second time today that I am supporting Government legislation. The member for Murray-Darling knows that I support good legislation. I am supporting the Education Amendment (Record of School Achievement) Bill 2011 because the Government is taking the lead from the former Labor Government, which initiated this legislation. This legislation was originated by the former member for Balmain and former Minister for Education and Training, Verity Firth, and the current shadow Minister for Education, who between them have a wealth of experience and who introduced a raft of education reforms.

I hope this bill results in education similar to those outcomes that the former Labor Government was able to achieve. It is a bit like the law and order area, where the Liberal-Nationals came to power with 17 out of 17 crime categories falling or stable. The Government has taken over an Education portfolio with record levels of investment and with New South Wales literacy levels higher than anywhere else in the country. I hope this bill improves on that. However, it is a very high benchmark because the former Labor Government left for the Liberal-Nationals Government an education department and an education system that has given students in this State some of the best outcomes, particularly in literacy and numeracy, anywhere in the world.

In focusing on the bill before us, which is about the Record of School Achievement, the record of achievement in education needs to be acknowledged on the other side of the House. I know Government members will join me—in a display of bipartisanship—in patting on the back the shadow Minister for Education, Verity Firth and Bob Carr, who were behind driving fundamental improvements in education, particularly in literacy and numeracy, across this State.

I hope that this bill leads to a more modern assessment of student achievement. When the School Certificate was introduced in 1965 there were no iPads or email and there were certainly no electronic whiteboards. Social media meant having a chat with a girlfriend or boyfriend in the playground. In the past few decades we have moved towards more outcome-focused education. We now have a student-centred model of learning where the needs of students are put above everything else and the schools focus on achieving student outcomes. When we look back on this bill in a few years time I hope that we see even greater improvements in student outcomes across this State. This Government has a high benchmark to meet as Education is a big and difficult portfolio.

I hope that this bill has a positive impact on students in schools across New South Wales, whether those schools are faith-based or secular or in the public, private or independent sector. I hope that the Record of School Achievement results in an improvement in educational outcomes and an improvement in the way in which employers and the community more broadly understand student achievement. After a number of years in primary schools and high schools we want our students to leave with a meaningful description of all their achievements. I hope that this Government takes education far more seriously than the way in which it handled recent problems regarding school transport, especially for students with a disability.

I hope that this bill places a greater emphasis on the educational needs of students, teachers and their communities across New South Wales in order to improve and enhance the educational outcomes of students. As I said, the Government has a high benchmark to meet and it has a long way to go. I wish Government members all the best. If they continue to introduce legislation such as this they will continue to receive our support. However, it would be nice if every once in a while they recognised the good work of the previous Labor Government and various Premiers and Ministers for Education who made education a huge priority when considering funding, policy change and delivering the best outcomes for students in New South Wales.

Mr ANDREW CORNWELL (Charlestown) [1.03 p.m.]: It gives me great pleasure to support the Education Amendment (Record of School Achievement) Bill 2012, which is a fantastic educational initiative. First I will address a few of the comments that were made by the member for Keira. I know that the Chaser team is moving from the ABC to another channel but I did not realise it managed to sneak the Surprise Spruiker into the Chamber today. The way in which the member for Keira tried to rewrite history during his contribution makes me feel as though I am in North Korea and it has suddenly created the Year Zero.

Mr Guy Zangari: Point of order: My point of order relates to relevance under Standing Order 129. The member should be brought back to the leave of the bill and should not make imputations against the member for Keira.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! I ask the member to return to the leave of the bill.

Mr ANDREW CORNWELL: I am talking about Asian history, which obviously is an important part of the curriculum. Similar to North Korea, moving back to Year Zero and restarting history from that moment seems to be the member for Keira's stock-in-trade.

[*Interruption*]

I will call him Kim Jong-il, not Pol Pot. As I said, it gives me great pleasure to support the creation of a new school credential. It is an important part of preparing our students for the world that they will enter. The Record of School Achievement recognises learning over senior secondary schooling in a way that will be meaningful to our students and their communities. It is a reflection of recent changes in our education system and prepares students for many more changes that they will face. Initially established to serve a minority as an educational transition to higher education, upper secondary schooling is now undertaken by the majority of students, with lifelong learning becoming a condition for successful employment and life.

The drivers of this transformation are familiar and well documented: the rise of youth unemployment in the 1970s and 1980s; technical change and its impact on structural occupation and employment; globalisation; and the emergence of a knowledge-based society. Most Western nations have looked to education as a foundation stone on which to maintain their economic growth and the employment capacities of their citizens. Education authorities and individual school communities are responding with a range of curriculum, assessment and structural innovations that seek to broaden access to their senior qualifications and create credible pathways for this more diverse student group.

This has led many to rethink the traditional organisational structures of schooling. In general, the trend is to place greater emphasis on continuity within the whole education system rather than on different levels and categories. A rigidly divided system is seen more as an impediment than an incentive for age cohorts to complete their schooling. Despite the trend toward blurring the boundaries between different levels of schooling, lower secondary schooling in most jurisdictions, including New South Wales, still prioritises a fairly broad set of subjects and competencies. The universal provision of schooling with these purposes is often understood as a learning entitlement. Rigorous quality assurance processes are needed to guarantee public confidence in the delivery of this entitlement to all students.

The Record of School Achievement is part of a suite of reforms in New South Wales that is providing meaningful and attractive options to students who do not complete their Higher School Certificate. The Record of School Achievement will support the goal of increasing student retention; provide an official recognition of learning to those students who leave school prior to receiving their Higher School Certificate; be available when a student leaves school after completing year 10; be cumulative, recognising a student's academic and other school achievements up until the point at which he or she leaves school; and be comparable statewide. The

abolition of the School Certificate is an important symbolic change that is intended to alter perceptions around the completion of year 10. Whereas in the past it signalled the end of mandatory schooling, the new credential should be seen as a pathway to employment and to the senior years of school.

New South Wales school students should see their learning as a continuum that will exist throughout their lives. Today our education system prepares students for industries and jobs that do not yet exist by providing them with the skills to access changing knowledge in the future. Our students need to be confident, flexible learners who are able to cope well with change. They need to be prepared for the challenges of the future and to be able to develop innovative solutions to issues as they emerge. The Record of School Achievement is a credential that better prepares our students for the world they will face. It recognises that their learning is on a continuum and does not signal a finishing point at the end of year 10. It recognises that their learning achievements occur in many areas of their life and are relevant to future employers and trainers.

It would be remiss of me not to recognise some of the fantastic high schools in my electorate, all of which I had the pleasure of visiting late last year for their school presentations. I specifically mention Warners Bay High School, Hunter Sports High School, Whitebridge High School, Kotara High School, Cardiff High School, St Pius X High School and St Mary's High School. All these schools produced fantastic academic results but I was especially impressed by the polished and well-rounded students that were graduating. It made me reflect on my own schooldays. I left school at probably around the same time as many members of this House. Seeing how polished and well rounded students are as they graduate today made me realise how rough we probably were when we graduated.

I recognise also the work of Tom Colquhoun who works as one of the drivers in the assisted school travel program in my electorate. In recent times the program's difficulties have been well documented. I thank Tom for his fantastic work throughout this difficult period. Members on both sides of this House recognise the value of education. Education empowers the vulnerable, advances society and can lift entire nations out of poverty. Education is one of the few things that can never be taken away from us. I am very pleased that this bill is supported by both sides of the House. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [1.09 p.m.]: It is with pleasure that I participate in debate on the Education Amendment (Record of School Achievement) Bill 2012. The bill seeks to replace the dated School Certificate with the new Record of School Achievement. The Record of School Achievement [RoSA] records the results and other achievements of eligible students who leave school before completing their Higher School Certificate. It is intended that the Record of School Achievement will give students, their families and potential employers a more holistic understanding of students' achievements before they reach the Higher School Certificate level. As a former teacher, I would be lying if I said that this instrument represents the next step or change in education. With my 17 years of experience I am able to say that, apart from removing the facilitation of the School Certificate, this legislation provides nothing that schools across New South Wales are not already doing.

From my experience, when students leave a school at the end of year 10 or year 12, they are given a reference. The reference outlines the achievements of the students, their capabilities and their future potential. It takes into consideration the marks that the students achieved for their subjects, their attitudes to their studies and the contribution they have made to the school community. The school reference is not limited to extracurricular activities but attempts to embody the person the school is sending out into the world. That sounds familiar, does it not? It should because this Government and this Minister are trying to tell this House that this is the future of education and education reporting in New South Wales—a future that from my extensive experience as a teacher has been in place for at least the 17 years I spent in the classroom.

An important aspect or, rather, repercussion of the removal of the School Certificate is its implications for setting standards of school reporting. Before this year, when young people left school at year 10 or before they achieved the Higher School Certificate and first entered into employment, it was their school reports, their reference from the school and their school certificate that gave future employers an indication of what those young people had achieved and an indication of their potential as future employees. An employer can rely on the school certificate and the marks it exhibits because a certain level of standardisation has been applied to determine that mark. When I was a teacher I spent 10 years marking the Higher School Certificate and was part of the operation to set standards for adjudication. I acknowledge that my experience is in vocational education and training [VET] construction, but I fully support and endorse the standardisation procedures and tasks set by the Board of Studies.

By removing the School Certificate—a provision with which I agree with—the Minister has not made it clear what measures have been put in place to ensure that a mark of 75 in one school is the same as a mark of 75 in another. From my experience in part of the adjudicative process, the standardisation of marks determines the cut-offs that are linked to bands in the Higher School Certificate. Previously the marks provided to students in their School Certificate were determined by the standards setting operations at the Board of Studies. However, the Minister has not explained the form of moderation that will now exist to replace the School Certificate so that fairness and equity of grades can be maintained between one school and another. It is this function of the School Certificate that is of most importance to students because it will give future employers a reliable indication of what the student can achieve and, coupled with the school reference and certificates of achievements that a student has accumulated over the years, that will show future employers the potential of a young person as an employee.

As a teacher I know that the School Certificate has been an important educational rite of passage that has motivated students to achieve their best results in year 10. It helps students prepare for the all-important Higher School Certificate. Under the legislative proposal before the House, year 9 students who undertake the National Assessment Program—Literacy and Numeracy [NAPLAN] will have had to sit no external examinations by the time they reach year 12, and will have no credentials. By removal of the School Certificate, I am concerned that students will have the preparation regime stripped away from them whereas many students who preceded them benefited from achieving the School Certificate. The School Certificate formed a link between year 10 courses and the preliminary year in which students prepared for their Higher School Certificate.

I am afraid that the only result this legislation will achieve, apart from removing the School Certificate, is a freeing up of funds that otherwise would have been spent in facilitating the School Certificate. I wonder how many people at the Board of Studies consequently will lose their jobs. As I stated earlier, I support this legislation, but I must make it clear that the Minister has not properly thought through the significance of the School Certificate and has not introduced any programs or procedures to provide for the important functions to which I have referred.

Mr KEVIN CONOLLY (Riverstone) [1.15 p.m.]: I support the Education Amendment (Record of School Achievement) Bill 2012, which some members affectionately refer to as ROSA. Perhaps the member who preceded me in this debate has revealed by his comments that he may be a little cynical about the bill. He fundamentally agreed that the steps being taken by this legislation to replace the School Certificate with the Record of School Achievement are necessary consequences of the School Certificate no longer being an appropriate milestone in education; that, as a result of previous decisions, students are expected to remain at school longer; and that, as a result of young people leaving school at different stages, they follow pathways to further training, vocational training or to the workforce. The Record of School Achievement is a new credential that accommodates variations in timing and provides flexibility. It provides appropriate accreditation of the progress students have made up to the time they leave school, whenever that occurs.

This bill represents a significant change to the way in which we recognise the achievements of senior school students. It takes us away from the outdated School Certificate and takes into account the changing context within which education is being delivered in New South Wales. This context includes the increase in school leaving age to 17, National Assessment Program—Literacy and Numeracy [NAPLAN] testing up to year 9, developments in technology, the introduction of a national curriculum and a growing number of students remaining in school beyond year 10. These changes are regarded by leaders in education and the community as desirable. However, currently approximately 18 per cent of students complete year 10 but do not go on to receive their Higher School Certificate.

The concept behind the Record of School Achievement is that it provides these students with a record of their school achievements that is more meaningful, takes into account their achievements up until the date they choose to leave school, and also has the capacity to include extracurricular activities. The bill follows the review of the School Certificate that was commissioned in mid-2010 and the announcement by the Minister for Education, in August last year, that the School Certificate would be abolished. The June 2011 School Certificate Review Discussion Paper by the New South Wales Board of Studies was a result of consultation with more than 20 peak stakeholder organisations that represented school systems, principals, teachers and parents. The discussion paper made clear that the stakeholders agreed on the need for a new credential which, unlike the current School Certificate, would take into account any achievements from year 10 up to the Higher School Certificate.

As set out in the New South Wales Board of Studies proposal paper, it was agreed from the initial consultations that the new credential should meet the following requirements: be a record of achievement for

students who leave school prior to receiving their Higher School Certificate; it needed to report results of moderated school-based assessment, not external tests; it needed to be available when a student leaves school any time after completing year 10; it needed to be cumulative and recognise a student's achievements until the point at which he or she leaves school; it needed to show a result for all courses completed in year 10 and year 11; it needed to be able to be reliably compared between students across New South Wales; it needed to give students the option to take literacy and numeracy tests; and it needed to be comprehensive and offer the ability to record a student's extracurricular achievements as well as achievements in formal courses.

It is important to note that the Record of School Achievement does not alter attendance requirements for students to successfully complete year 10. Some specific amendments of the bill relate to section 94 of the Education Act to outline the requirements for the Record of School Achievement. The requirements for the Record of School Achievement will be that the student has completed year 10 and has participated in requisite courses of study and undertaken requisite examinations and other assessments. Section 94 specifies also that the examinations and assessments relating to the grant of a Record of School Achievement are not to be conducted on a statewide basis but, rather, are to be school based and then moderated statewide. The bill also substitutes section 98 which outlines a requirement for records to be kept by the Board of Studies of students' results and activities. Section 98 requires the Board of Studies to provide a Record of School Achievement to students who request it and who have completed year 10 or undertaken courses of study in year 11 or 12.

The most notable characteristics of the Record of School Achievement are its flexibility and comprehensiveness. It is by far a more modern and meaningful record of the achievements of students up until the point they choose to leave school and it is the outcome of extensive consultation with key educational stakeholders. In this twenty-first century, which is moving rapidly and changing, and which will lead to options and outcomes yet unknown, education must equip our young people for life. It must prepare those students holistically—that is, in a vocational sense—for the work that they will do, and it must prepare them also socially to be good citizens in the community in which they will live. This holistic approach to education, which is something we must embrace, requires a more flexible understanding of educational progress than that provided by the old School Certificate.

The Federal Government's release this week of the Gonski review highlighted the need to focus on the best educational opportunities available, regardless of social sector, city or country, family background or any other factor. We must offer those best educational opportunities to all students in New South Wales—a focus that I believe is understood and supported by this Government. As a result of this mosaic of change in education in the twenty-first century we are now proposing this amendment to the Education Act which will put in place the Record of School Achievement and provide greater flexibility and comprehensiveness in reporting student outcomes—something that senior students in New South Wales now need.

Mr JAMIE PARKER (Balmain) [1.21 p.m.]: The Greens support the Education Amendment (Record of School Achievement) Bill 2012 bill, which seeks to amend the Education Act 1990 and replace the current School Certificate with a Record of School Achievement in government and non-government schools. I appreciate the fact that the Minister for Education is in the Chamber as I would like him to address a number of questions when he replies to the agreement in principle debate. The Record of School Achievement has several key factors that differentiate it from the School Certificate. Firstly, students are eligible to receive a transcript of their Record of School Achievement, including their educational records and extracurricular activities to date, any time after completing year 10 and prior to undertaking the Higher School Certificate. This enables students to access a complete record of their school achievements if they choose to leave school earlier than year 12.

Secondly, qualified students in years 10 to 12 are able to view and download their Record of School Achievement at any time, for example, if they want to use their results and achievements to apply for a job. Thirdly, extracurricular activities will be recognised through the Record of School Achievement. For example, first-aid courses and Duke of Edinburgh awards will be shown on the Record of School Achievement with the intention of demonstrating the full scope of student achievements. Finally, the Record of School Achievement will reflect school-based assessments and examinations, whereas the School Certificate was awarded to students who sat an external examination written and coordinated by the Board of Studies. While the assessments that are recorded on the Record of School Achievement will be conducted on a school basis, they will still be approved by the Board of Studies so in theory curriculum requirements will still be met.

I recognise that the New South Wales Teachers Federation and others support the general direction of the bill. I understand that since 2004 the federation has been pushing for the abolition of the School Certificate

and implementation of an external credential. Some issues have been raised by the Teachers Federation, which I will ask the Minister to address in his reply. As I have mentioned, The Greens support the bill as there has been a clear need for students who leave school before completing their Higher School Certificate to take with them a record of their achievements to date. The Record of School Achievement will be calculated on examinations and assessments that are already undertaken at individual schools. Therefore the federation expects no additional workload as a result of the implementation of the Record of School Achievement. This was guaranteed to the Teachers Federation by the Board of Studies during the consultation process.

Will the Minister confirm that this will not result in a greater workload for individual teachers and schools, and that they will not have to organise additional examinations and assessments to contribute to the Record of School Achievement? The School Certificate equivalent currently undertaken at TAFE campuses—Certificate II in General and Vocational Education [CGVE]—is a crucial education opportunity that meets the needs of many students who are not able to undertake the School Certificate in a traditional school setting. I ask the Minister to confirm that the Certificate II in General and Vocational Education will continue to operate following the implementation of the Record of School Achievement. Will the nature of the Certificate II in General and Vocational Education change as a result of the Education Amendment (Record of School Achievement) Bill 2012?

The Minister noted in his media release that optional online literacy and numeracy tests will be offered to students on a twice yearly basis and will be included in the Record of School Achievement. Can the Minister confirm that online literacy and numeracy tests will play a supplementary role in the Record of School Achievement to the assessments and examinations that test students understanding and comprehension of the curriculum subjects? Finally, I take this opportunity to congratulate the Minister and his department on the wide-ranging consultation process undertaken with teachers, principals, students, parents, community groups and a range of education bodies in developing the Record of School Achievement.

My mother, who is a federation representative at her primary school, and my sisters, who are teachers, told me there has been a lot of talk amongst teachers about what is happening with the School Certificate. I congratulate the Minister on doing such a good job in consulting with teachers. I hope that is a strong sign of this Government's approach in working with the education department and in its governance of New South Wales. I ask the Minister to confirm whether there will be ongoing consultation by the Board of Studies with principals, teachers and education groups following the implementation of the Record of School Achievement. In particular, will there be avenues to provide feedback on its efficacy and ability to meet the needs of students and teachers? It is important to ensure that there are opportunities to examine its implementation and the educational outcomes and that the objectives of this approach are fully satisfied.

In summary, it is clear that a tremendous amount of work has gone into this process. The teachers who educate our young people in their final years of school are amongst the highest achievers in our community because of their commitment to teach and support our young people. Many other members and I have spoken to teachers and principals who do fantastic work in their communities. In my electorate of Balmain I note the work done by teachers and students at St Scholastica's College—a fantastic institution—Sydney Secondary College, Balmain Campus, Sydney Secondary College, Blackwattle Bay Campus and Sydney Secondary College, Leichhardt Campus. These innovative public school organisations, which have both junior and senior secondary schools, have led the way in the school community. I commend the bill to the House and encourage all members to recognise and support the excellent work of teachers, support staff in schools and principals who educate our young people.

Dr GEOFF LEE (Parramatta) [1.28 p.m.]: I support the Education Amendment (Record of School Achievement) Bill 2012 and note that the Minister for Education, Mr Adrian Piccoli, who is in the Chamber, has been and will always be interested in schools, in the schooling system and in improving the performance of students in New South Wales. Education is vital not only to New South Wales but also to Australia. Research conducted by the Organisation for Economic Cooperation and Development confirms the link and the correlation between the attainment of a national or State education level and gross domestic product growth. In other words, if we have a higher number of educated people productivity increases and lifestyles are better, which benefits the whole community. The object of this bill is to amend the Education Act 1990 to replace the School Certificate with a Record of School Attainment. The examinations or other assessments for the new credential will be conducted on a school basis but will be moderated on a State basis. The bill will also provide for a more extensive record of student results and other activities during year 11.

I note that the bill has been developed in consultation with the Board of Studies and other key stakeholder groups. The bill will require students to complete year 10 requisite courses of study and other

examinations as determined by the Board of Studies and the school. The changes are a part of the commitment of this Liberal-Nationals Government to modernise the education system. They are being driven by a number of things, for example, people change their career a lot, which means that we need to educate differently. It is estimated that the average person will have between three and five career changes in his or her life. Technology has had an influence on the way we receive information, communicate and learn. We are preparing students for knowledge-intensive jobs, not just simply manual work.

Jobs are becoming more service and professional orientated. School leavers have a greater expectation about what they will do in their lives, and certainly it is all about global competition. We are no longer isolated in our small communities within the State or the country. In fact, our competitors are located throughout the world. I will not only commend the bill but also briefly outline my views on education. It should be recorded that my views, based upon 11 years of tertiary study, are not the views of the Government. My published research was in andragogy, which is the study of how adults learn as opposed to pedagogy, which is the study of how children learn. My views are also based upon my nine years of work at the University of Western Sydney and at TAFE.

[*Interruption*]

I acknowledge the interjection of the member for Baulkham Hills who commended the University of Western Sydney. My views are not only from my experience as a teacher but also from my experience working in administration and as an associate dean when there were something like 12,500 students at the college. I also have experience as an employer of many young people. For 10 years I had my own business in indoor plant hiring and commercial landscaping.

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

[*Acting-Speaker (Ms Melanie Gibbons) left the chair at 1.31 p.m. The House resumed at 2.15 p.m.*]

DISTINGUISHED VISITOR

The SPEAKER: I welcome to the gallery the Hon. Robert Webster, who served as a member of the Legislative Assembly between 1984 and 1991 as the member for Goulburn, and who served as a member of the Legislative Council between 1991 and 1995 holding numerous ministerial positions, guest of the member for Vaucluse.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

Office of the Governor
Sydney, 19 February 2012

MARIE BASHIR
Governor

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 10.20 a.m. on Sunday 19 February 2012.

ASSENT TO BILL

Assent to the following bill was reported:

Election Funding, Expenditure and Disclosures Amendment Bill 2012

NEW ZEALAND EARTHQUAKE

Ministerial Statement

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [2.18 p.m.]: Today marks the first anniversary of the Christchurch earthquake. On behalf of the New South Wales Government and its people I extend sincere condolences to all those who lost family and friends in that disaster, to the people of Christchurch and to the people of New Zealand. I pay tribute also to those from New South Wales who contributed significant time and effort to help respond to that tragedy. Just before 1 o'clock on the

afternoon of 22 February last year a 6.3 magnitude earthquake struck New Zealand's second biggest city. Putting that into context, the 1989 Newcastle earthquake recorded 5.6 on the Richter scale. The Christchurch earthquake was the second major earthquake in this region of New Zealand within six months following a 7.1 magnitude earthquake in Canterbury in September 2010. Whilst the Canterbury earthquake resulted in significant damage, there was no loss of life. However, on this day a year ago the people of Christchurch were confronted with the tragic loss of 185 lives. Speaking at today's memorial service, the Prime Minister of New Zealand and my good friend, John Key, recalled his thoughts as he first saw the scene. He said that it was a New Zealand he had never seen.

From time to time the people of New South Wales have felt the full force of nature, and we think of those currently isolated by floodwaters in the State's west and north-west. But, touch wood, nothing of this scale has occurred in this State in recent times. We are a resilient and compassionate community dedicated to helping our friends when they experience the kind of hardship with which we are all too familiar. We helped our friends in Queensland during last year's floods, we helped our friends in Victoria during those devastating bushfires, and we helped our friends in New Zealand last year. New South Wales sent significant support to Christchurch, including deploying the Heavy Urban Search and Rescue Team with 20 tonnes of essential rescue and medical equipment. Approximately 70 officers representing Fire and Rescue NSW, NSW Health, the Ambulance Service of New South Wales, NSW Public Works and the NSW Police Force provided assistance to New Zealand.

They were assisted by a further 30 New South Wales officers who were part of a second Australia-wide Urban Search and Rescue Team. In addition, approximately 150 police officers from New South Wales assisted with general duty policing. The team included specialised officers, 12 disaster victim identification officers and a specialist radio technician. Ambulance Service paramedics also were deployed with these police, and specialist water technicians from Sydney Water were deployed in the earthquake's aftermath. Today, our thoughts and prayers are with the people of New Zealand. Our thanks go to those who helped them and for their compassion, dedication and bravery.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [2.21 p.m.]: As the Premier said, it is a year today since Christchurch was shaken to its core by a devastating earthquake that saw the entire region unite in support of our friends and neighbours in New Zealand. The damage from the earthquake was catastrophic, creating unimaginable scenes of destruction throughout the city, causing tremendous damage and ripping apart families and communities. It triggered a state of national emergency unlike any seen before in New Zealand, and it will impact on our region for generations to come. In New South Wales, Australia and across the globe we watched on, utterly shocked by the sheer scale of the pain and suffering caused by the quake. It almost defied belief that this could hit so close to home, and we could only look on with horror and dismay.

More than 100,000 homes were damaged, tens of thousands of other homes were destroyed and countless families were displaced. New Zealand has suffered no worse a natural disaster in more than 80 years, and we can only hope that there will never be one as bad again. New Zealand was pushed to the limit by the Canterbury earthquake that occurred only six months prior to this dire occurrence and so many other natural disasters in our region. The thoughts and prayers of the Opposition remain with the victims and their families in Christchurch. While the physical damage is massive, what endures a year later are the bonds of kinship forged across our region. We will never forget the images of emergency services workers, police and military personnel from New South Wales and all across Australia who, without hesitation, threw themselves into the disaster zone to help in whatever way they could.

More than 300 police officers from every corner of Australia, including a 200-strong contingent from New South Wales, answered the call to aid our neighbours. The police officers were immediately sworn in as members of the New Zealand Police Force to secure the safety of the residents of Christchurch when the city was at its most vulnerable. It was the first time in 170 years that Australian police have patrolled in New Zealand. Of further historic significance is the fact that this was the very first time that representatives from all Australian forces joined together with a single purpose in one operation. As always, Australians stood together with friends and allies in the international community ready and willing to give all they could and to help where they may.

The United States, Singapore, China, Canada, Japan, the United Kingdom, Taiwan, and innumerable other nations, came together with us to give every level of support that could be provided to the people of Christchurch, demonstrating the strength of humanity that is evident when we pull together. Today, on behalf of the Opposition, I congratulate all those who reached across the Tasman to lend a helping hand, knowing full

well the danger and disruption that assistance would cause to their own lives. Today, we pause to remember the 185 people who died, and the countless more whose lives were disrupted or destroyed. But it also reminds us of the indomitable human spirit that drove the rescue efforts, and today continues to spur the city of Christchurch onwards to rebuild despite great adversity. It is not fear for what may happen but rather hope for what could be that inspires Christchurch to look forward and continue to rebuild.

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 2.26 p.m.*]

TIME-OF-DAY TOLLING

Mr JOHN ROBERTSON: My question is directed to the Premier. Will the Premier stand by the commitment he made before the last election and rule out introducing time-of-day tolling on any more Sydney roads?

Mr BARRY O'FARRELL: I remind members that this has been the State's Parliament since 1856 and that we have had self-government since that date. And I say to the students in the gallery from the south-east region—the champion debaters from schools at which the Speaker taught—do they know which is the only government in all that time that ever introduced time-of-day tolling on any road in Sydney?

Government Members: Labor.

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

Mr BARRY O'FARRELL: It is true. It was a government made of those opposite. Is there any truth in the suggestion that the Leader of the Opposition was given this question by the member for Maroubra? After all, the member for Maroubra is the only member of this place in the State's history to introduce, as Minister for Roads, time-of-day tolling. This question arises because of the release of the Schott report, the Commission of Audit's interim report into public sector management, which showed what, regrettably, people across New South Wales came to know and expect under those opposite—that our public sector was underperforming. That meant that as a result people across the State were not getting the quality, reliable services upon which they depend. I am pleased to say that the Schott report makes a number of things clear, contrary to the spin put on it by those opposite. The Schott report starts from the premise that public services are indispensable.

It recognises that individuals and citizens across the State, whether individually or in businesses, rely upon the services that the public service provides. Secondly, it starts from the premise that public services should be delivered efficiently and effectively. No-one should have any doubt about that. We should be seeking, particularly in these uncertain global times, to cut out whatever waste and mismanagement exists anywhere. That is certainly happening in the private sector. And it is certainly happening under us in government, because we are determined to direct as many resources as possible to the delivery of those services, whether in our schools, hospitals or the other vital services that people rely upon.

Mr Nathan Rees: And roads.

Mr BARRY O'FARRELL: I take the interjection of the member for Toongabbie. It is going into roads: $450 million extra is going into the Pacific Highway. That was allocated in our last budget. Whilst I am talking about the member for Toongabbie—

Mr John Robertson: Point of order: The point of order is based on relevance. The question specifically asked whether the Premier stands by his commitment given prior to the election. If at the conclusion of his response he has not confirmed his commitment, I will assume that he does not stand behind it.

The SPEAKER: Order! The Premier addressed that part of the question at the beginning of his answer.

Mr BARRY O'FARRELL: The member for Toongabbie would have shared my excitement yesterday at a story in the *Australian* that reported, "Leadership change not a solution". I am sure that was his view back in 2009. Regrettably, on this occasion it was the member for Heffron saying that in the *Australian.* The third element of the Schott report starting point is that an efficient and well-managed public sector will assist with the economic growth and opportunities that exist across New South Wales.

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

Mr BARRY O'FARRELL: That is something that the member for Heffron certainly did not understand. We have a number of recommendations from Dr Schott. Those recommendations will be considered by the Government. But I say this—

Mr Michael Daley: Point or order—

The SPEAKER: Order! Is this the same point of order?

Mr Michael Daley: Madam Speaker, the question was not about the whole of the Schott report.

The SPEAKER: Order! Is it the same point of order that I ruled on?

Mr Michael Daley: Relevance, yes. Will the Premier rule out introducing time-of-day tolling on any more Sydney roads? Yes or no?

The SPEAKER: Order! The Premier's response has been relevant. I cannot direct the Premier to answer the question. I can only ask that his response be relevant, and to this stage it has been so far as I am able to hear it.

Mr BARRY O'FARRELL: As I was about to say when I was so rudely interrupted—if that is not a sexist remark—the commission has made a recommendation that Infrastructure NSW and Treasury should investigate toll arrangements and provide to government options on opportunities to make toll road networks more efficient. In other words, the commission has recommended that work be done, and that that work come to government. I will say to him that I am not in the business of introducing into this city a London-style congestion tax under which motorists have to pay money to enter the city. The only person who has done that is the member for Maroubra, and he did it to people on the North Shore—people who frankly, after the contribution of the Leader of the Opposition in January, we thought he was standing up for in this place.

PUBLIC SECTOR AUDIT REPORT

Mr JONATHAN O'DEA: My question is directed to the Premier. Would the Premier tell the House more about the findings of the New South Wales Commission of Audit interim report into the New South Wales public sector?

Mr BARRY O'FARRELL: I really do appreciate that question without notice, and I thank the member for Davidson for the question. He is not just an excellent member for Davidson, but also chairman of the Public Accounts Committee. He actually knows a bit about the State's finances and knows that public sector management is important to ensure—

Ms Linda Burney: Give him the answer.

Mr BARRY O'FARRELL: I hear the member for Canterbury interject. We know that she was one of those Ministers for Community Services who, in the words of the Commission of Audit, managed to spend $1.2 billion, allegedly to improve community services. But what did Commissioner Wood find at the end of the inquiry? He found that community services had not improved. That is the reason that public sector performance in management is critical.

[*Interruption*]

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

Mr BARRY O'FARRELL: I commend to the Leader of the Opposition a reading of Justice Wood's report. If there was ever a doubt—

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

Mr BARRY O'FARRELL: I am happy to put the credit at Carmel Tebbutt's feet. If there was any doubt about the state of our public service—

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

Mr BARRY O'FARRELL: Just as an aside, I said last week that we had never seen such energy from those opposite as when we put in place level playing fields with donations to political parties, because the union movement was telling them to get very angry about it. Why do we think the Leader of the Opposition, the former head of the union movement—

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

Mr BARRY O'FARRELL: —is not very keen for me to talk about the Schott report? Could it have been the cosy deal between those opposite and public sector unions over the past 16 years? Could it have been the cosy relationship that saw efforts to reform the public service to deliver better services in areas like transport, health and education, blocked at every stage—not because they might provide better services to the people of this State, not because services might be delivered more efficiently and effectively, but because they were blocked by public sector union leaders who did not want their fiefdoms and their numbers diluted at Labor Party conferences? What we have from Kerry Schott is very clear. It is a report that says that when we came to government last year the public sector was underperforming. It says that that was bad, not just because it had an impact upon the State's budget—and I am sure the Treasurer will add to that—but because it also reduced the competitiveness of this State as a whole. So no wonder New South Wales was not number one in a whole range of areas—because those opposite could not even manage their own public sector.

But, more importantly for our visitors in the gallery and for people in suburbs across this city and in towns across this State, it meant—as I said in answer to the first question—that under those opposite people who rely upon public services provided by the government of New South Wales could not do so. They were not getting the quality services that they deserved. That is why it is critical that we make reforms. The Commission of Audit was led by Dr Kerry Schott, who is well experienced in public sector matters. It was assisted by an advisory board chaired by David Gonski. It was informed by a financial audit undertaken in the first half of last year by the then head of Treasury, Michael Lambert. The advisory board comprised people with experience in public service delivery, people with experience in regional issues, people with experience in performance management and auditing, and people with experience in community services. It included people that even the member for Wollongong would approve of, like Gerard Sutton, and also Richard Spencer from the Benevolent Foundation.

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

Mr BARRY O'FARRELL: It cannot be said that we have not sought advice from the very best finance and business experts we could find. The Commission of Audit found that some areas were performing well, but that others were performing well below par, whether in this State or compared to other States. Kerry Schott has outlined recommendations and the Government will look in detail at them to see not just how we can deliver better and more efficient services to the people of this State, but also how we can deliver them in a way that restores economic growth and economic opportunities in this State—because that is the only guarantee that jobs, living standards and wealth can be created.

PREMIER'S EXPERT ADVISORY COUNCIL FOR WOMEN

Ms LINDA BURNEY: My question is directed to the Premier. After almost a year in office, why is the Premier yet to convene a single meeting of the Premier's Expert Advisory Council for Women?

Mr BARRY O'FARRELL: I am happy to get advice on that and come back to the House. But the member could have asked the Minister for Women, who has oversight of this body.

STATE FINANCES

Mr DOMINIC PERROTTET: My question is directed to the Treasurer. What action is the Government taking to improve New South Wales finances and the delivery of government services?

Mr MIKE BAIRD: I thank the member for his question. He is another example of a fine member in the O'Farrell Government looking after his community and doing great things for his constituents. Today the New South Wales Government was delighted to receive the Schott report. I congratulate Dr Kerry Schott and David Gonski, and indeed the whole advisory team, for the work they have done in preparing this incredible, insightful piece of work, which identifies many challenges that the State faces and gives us a road map forward. We are very excited about that road map forward. The report confirms that management of the State's finances, people and assets has been neglected over the past 10 years under Labor. I do not think that will surprise anyone in this House.

The report found that the financial position we inherited from the previous Government was not sustainable. We spent a lot of time talking about that and Kerry Schott homes right in on that point. There are many case studies across the whole of Government of how the former Labor Government had been inefficient and had been provided with many opportunities to deliver better and more efficient services. One example was a part of government that had 130 separate systems. Kerry Schott's recommendation was simple: If the number was reduced to about 20 systems it would save $100 million a year. That is $100 million that could go out to members' electorates to improve roads, public transport or hospitals. Could they use $100 million a year? Of course they could, and this report identifies a way forward.

The report also identified that the right expertise was not in key roles. There is a basic premise that you need to have the right people in the right jobs to deliver the right services that the people of New South Wales need. That is another challenge Kerry Schott identified that we are getting on with. The report also identified the use of contractors in some instances—contractors attracting a premium of 25 to 30 per cent. The recommendations were that if the Roads and Traffic Authority used permanent employees it would save $23 million to $28 million a year. Kerry was very clear that that sort of approach applied across the whole of government. How did it happen?

Michael Lambert, who had overseen a financial audit of which the Schott report had input, said that it happened because there was a complete failure of the financial leadership of the State and because of major deficiencies in public administration. In relation to the financial position of the State he highlighted two critical problems: One was that expenditure grew consistently faster than revenue. That was a theme under Labor. I remember being attacked in the House on this point because I said I wanted to align expenditure revenue, like every household and every business across the country trying to live within their means. That was a political pointscoring opportunity. We have done that.

I would be quiet on this particular point if I were the member for Maroubra. Michael Lambert said that to align that 0.5 per cent gap, which on average over the past 10 years has been 0.6 per cent, would cost $300 million. That is another example that if you align your revenue expenditures you could deliver better services and infrastructure for this State. The second critical problem highlighted by Michael Lambert was that the capital spend had decreased in quality—the CBD Metro is one example and there are many other examples of how that had happened.

The O'Farrell Government has got on with a number of the reforms already that have been recommended in this report. Michael Lambert implemented eight areas and Kerry Schott has put forward a road map that we will focus on from this point. The Fiscal Responsibility Act is currently being drafted and I can assure the House that it will be the toughest in the nation. We are happy to be held to account for our finances and our strategy. The report spoke about the need for efficient taxes. We went to Canberra and said that we wanted efficient taxes and we wanted Canberra to quarantine income tax to enable us to get rid of taxes such as stamp duty. We have taken leadership on that issue.

The planning review will be undertaken and completed this year. Infrastructure NSW has been established and is operating to improve the quality of infrastructure. A Public Service Commissioner has been appointed. I know that scare campaigns will be run, but we have looked at the assets in the balance sheet and we have said that one of this Government's priorities is the long-term lease of the desalination plant, the long-term lease of the port and the sale of the generators at Kogarah. The report also spoke about the need to control

wages, and we have done that. This is a great report that provides a road map forward on how to improve services. The O'Farrell Government is not going to put it in the too-hard basket; we are going to do it because it is in the interests of the people of New South Wales.

WOMEN'S REPRESENTATION ON PUBLIC SECTOR BOARDS

Ms ANNA WATSON: My question is directed to the Premier. Why has the Premier removed the requirement that 50 per cent of all new appointments to government boards and committees be women?

The SPEAKER: Order! An Opposition member has asked the question; I suggest Opposition members might like to listen to the answer.

Mr BARRY O'FARRELL: There is no point putting in place targets that were never met by those opposite. We are parties that traditionally have rejected the idea of quotas and said that we will appoint people on the basis of merit. What I can say, hand on heart, is that every Liberal and Nationals member on this side of the House got there on merit without any additional weighting in their pre-selection.

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

Mr BARRY O'FARRELL: There was no additional weighting in their pre-selections, which applies to female members opposite when there are special quotas as part of the process, and that is in part because our party does not affiliate with unions. Our party does not have a union affiliation, which is what ensures that the Labor Party and its members are so heavily male oriented. There is a far better chance for women in the Liberal Party and The Nationals—whether you are the member for Maitland or the member for Nowra—to get into Parliament than it is for a woman in the Labor Party. Each of the women on this side of the House knows that she is here on merit, just as those who enter the Cabinet know that they are there on merit. Philosophically we have always been about merit, not other factors. To date we are doing very well in ensuring that women are appointed, not the least of whom is the person who headed the commission of audit whom we have been speaking about for the last two or three questions—Dr Kerry Schott.

PACIFIC HIGHWAY UPGRADE

Mr CHRISTOPHER GULAPTIS: My question is directed to the Deputy Premier. What is the impact of the Federal Government's attempt to change funding arrangements for the upgrade of the Pacific Highway?

Mr ANDREW STONER: I thank the member for Clarence for his question and I commend him for his thoughtful and constructive inaugural speech last night in which, amongst other things, he reflected on progress on the Pacific Highway, which traverses his electorate on the North Coast. As one of the largest and most complex infrastructure projects in our nation's history, it is little wonder that the Pacific Highway has been a constant source of comment and debate in this House. Just last week I reiterated the New South Wales Government's support for the Prime Minister's 2016 target completion date for the project, which she explained to the Parliament in Canberra in October 2010.

Opening a four-lane divided highway between Hexham and the Queensland border by the end of 2016 is possible, but it will require an estimated further $7.4 billion in out-turn dollars. In order to achieve this we need agreement on the respective funding contributions between the Commonwealth and the State as a matter of urgency. That is why it is disappointing, to say the least, that the Commonwealth is trying to shift an additional $2.3 billion onto the State Government by proposing a 50:50 funding split. It is effectively attempting to move the goalposts while the game is still being played and the players are on the field. As I noted last week, we have put our money where our mouth is and injected an additional $468 million to the highway upgrade over the three years to 2013-14, which almost doubles the current New South Wales Government's commitment to the Pacific Highway and more than makes up for the $300 million that the former Labor Government cut from the project.

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

Mr ANDREW STONER: The member for Lakemba keeps interjecting. I have this to say to him: Any similarity between his version of reality and mine is purely coincidental. The actions of this Government firmly entrench the 80:20 funding split because we have dragged it up from the appalling 86:14 split that was in place under State Labor. There are a number of established historical precedents for the 80:20 funding ratio. Aside

from the Pacific Highway, key upgrade projects on the national land transport network in New South Wales have been funded to at least 80 per cent by the Australian Government. For example, the Hume Highway duplication has been 100 per cent funded by the Australian Government apart from a projected 4 per cent New South Wales contribution to the Holbrook Bypass.

Mr Robert Furolo: Then hand some money back.

Mr ANDREW STONER: We would love it if there was more money but the Labor Government left us with a $6 billion black hole. What did those opposite do with all the money? Members of the Opposition keep leading with their chins.

The SPEAKER: Order! Opposition members will cease interjecting. The member for Keira will cease interjecting.

Mr ANDREW STONER: The $1.7 billion Hunter Expressway will be 88 per cent funded by the Federal Government at a minimum. Recent widening of the F5 and F3 freeways on the outskirts of Sydney has been at least 80 per cent Australian Government funded. Improvements to the Barton Highway, which links Canberra to the Hume Highway, have been 100 per cent funded by the Australian Government. I am trying to educate members opposite. These are national land transport network projects with a firm historical precedent. I almost dare not mention this, but the Federal Government's proposed funding split for the Parramatta to Epping Rail Link was premised upon an 80:20 funding ratio. Why is the Gillard Labor Government now attempting to depart from these arrangements in relation to nationally critical land transport projects, in particular the Pacific Highway?

[*Interruption*]

The Minister for Education has just mentioned Robert Oakeshott. That is a good question. What role has he played in this? Up to this point I have had a good working relationship with the Federal Minister for Infrastructure and Transport; however, his references to previous funding contributions are simply not right. They do not reflect that at that time the Pacific Highway was part of the national highway network. That changed in 2005 when the Pacific Highway north of Hexham was incorporated as an integral part of the national land transport network. We are happy to work with the Federal Government to meet the Prime Minister's 2016 deadline; however, we must arrive at a fair and equitable funding split.

Mr John Williams: What about a Coronation parade?

The SPEAKER: Order! I call the member for Murray-Darling to order.

STATUS OF WOMEN ANNUAL REPORT

Ms TANIA MIHAILUK: My question is directed to the Minister for the Status of Women. Is the reason she has failed to produce her promised annual report on the status of women in New South Wales that she is ashamed of the Government's appalling record on the treatment of women?

The SPEAKER: Order! I am bit dubious about the wording of that question and I refer to my comments yesterday about the rewording of questions. The standing orders state that questions should not contain statements of facts unless they can be authenticated. I will allow the question but, again, I ask that questions be worded appropriately.

Ms PRU GOWARD: I thank the member for her question. I fail to understand why there should be so much concern that the report has not been produced by 22 February.

Ms Linda Burney: You promised it.

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

Ms PRU GOWARD: I did promise it, but I did not promise it on 1 April last year. This report will take some time and is taking some time to compile.

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

Ms PRU GOWARD: It is important that this report reflects details that are relevant to the people of New South Wales. That means using statistical information that is largely available at a national level and breaking that information down into cubes that are relevant to this State. That report is well on its way. All members of this House will find the information useful and informative because it will certainly tell the story of the status of women in New South Wales. I have tasked the Office for Women's Policy with three priorities. When I took up my appointment as Minister I found a gutted office. I had previously headed an office similar to the Office for Women's Policy and I was staggered to discover that this office was only half staffed. On my first day at my first staff meeting I asked the staff what they spent most of their time doing. They answered that they spent most of their time organising events. Under Labor they had become an events and publicity organisation; they did very little policy work. They are seeking to do policy work under this Government. It was a disgrace that this office was turned into an events organisation office.

The SPEAKER: Order! Opposition members will cease interjecting given the nature of the questions they have been asking on the treatment of women. The Minister has the call.

Ms PRU GOWARD: It was disgraceful that an office that had been set up with both sides of Parliament having the best interests of the women at heart had been so reduced.

Ms Linda Burney: Point of order: Standing Order 129. The Minister is clearly telling part of the story. That office also organises—

The SPEAKER: Order! That is not a point of order. The member will resume her seat. I remind the member for Canterbury that she is on three calls to order.

Ms PRU GOWARD: The work of that office on domestic violence is now being reviewed because, as is well agreed across Australia, New South Wales has one of the most pathetic domestic violence responses. We have spent the past 10 months of this Government reviewing the domestic violence action plan and the work of our agencies to see how it can be improved. As the Auditor-General so comprehensively observed, our response in the area of domestic violence leaves a lot to be desired, particularly when it comes to integration and effectiveness of policy.

It is true the office was responsible for domestic violence and it remains responsible for domestic violence, but it is under review because it needs to be. We are also focusing on increasing the representation of women in better-paying non-traditional roles, which is work I have discussed on many occasions. I am disappointed that there was no female member of the Opposition at the awards ceremony last night. They might have learnt something about what it is like to be a woman in regional Australia and about their challenges and opportunities as well as the contributions they can make. Members of the Opposition cannot ask questions such as this and not turn up to a major awards ceremony.

Mr Michael Daley: Point of order: I would like the Minister to furnish some invitations that were issued to the Opposition in relation to this event.

The SPEAKER: Order! That is not a point of order, and the member knows it. The Minister has the call.

Mr John Robertson: We were not invited.

Ms PRU GOWARD: Then it is strange that the member for Cessnock managed to turn up. I thank him very much for being the token woman.

The SPEAKER: Order! Well done to the member for Cessnock.

DISABILITY SERVICES

Mr LEE EVANS: My question is directed to the Minister for Ageing, and Minister for Disability Services. How is the Government delivering on its election commitment to empower people with disabilities by putting them at the centre of decision-making?

Mr ANDREW CONSTANCE: I thank the member for Heathcote for his question and acknowledge his personal commitment to disability services and as a member of this House. For too long the aspirations of

persons with disabilities in the State have been curtailed by a number of impediments that have resulted from government and traditional servicing. For too long people have been dictated to in relation to the support service they will receive, by whom the service will be delivered, and when the service will be delivered. It is for those reasons that the O'Farrell Government has begun to work towards building a person-centred approach. Last week the O'Farrell Government announced a program worth $82 million, with Ability Links NSW, to establish 248 local area coordinators throughout the State.

The role of the coordinators will be to assist people with disabilities to plan for the future but, more importantly, to facilitate links that people with disabilities need to gain greater access to the community. For too long people with disabilities have lived in isolation and have not been able to achieve their hopes, their dreams or their aspirations because of impediments resulting from the manner in which the disability service system evolved. The 248 local area coordinators not only will provide assistance and links for people with a disability but also will ensure that the services are situated within communities to build greater community capacity. In other words, coordinators will be moving around in communities to assist organisations across communities to better cater for the needs of people who have disabilities.

Of the 248 local area coordinators, 27 will be dedicated to Aboriginal communities. Across the regions we have allocated 68 local area coordinators to the Metro South region, 51 local area coordinators to the Metro North region, 39 in the Hunter, 38 in the northern region, 30 in the western region, and 22 in the southern region. Local area coordinators are not bureaucrats. They are people who will be working in the community and who will work alongside people who have disabilities, their carers and their families. The new approach is specifically designed to link people with disabilities to vital services and support systems. This new approach moves beyond what we recognise as the traditional support system. For instance, if people want to take their child with a disability fishing, for argument's sake, they will need links to the community so that they can gain access to the local fishing club and be able to go fishing on a weekend.

What we are talking about here is making sure the aspirations of people with disabilities and their carers will be met. People who do not have disabilities take life for granted, but people who have disabilities forever are having to fight the system to be able to achieve a quality of life that the rest of us take for granted. It is time for that to change. The rollout of area coordinators is the first step towards building a person-centred approach. The O'Farrell Government has made it clear that by 1 July 2014 it will be leading the way across all State and Territory jurisdictions in self-directed support. The Government wants people to be able to make decisions without being curtailed by government or by a support system that is merely about funding programs. We can only achieve those goals by working alongside people, and that is why the Government is setting up coordinators.

Local area coordinators for people with disabilities will play a vital role in the future as we move to a person-centred approach and individualised funding. There is no doubt that after tenders close on 26 March, the service sector and non-government agencies will express a great deal of interest in participating in the rollout of local area coordinators. I am pleased to indicate to the House that the decision in relation to coordinators will be made by the middle of this year. However, most importantly we must reaffirm our commitment to assisting people with disabilities to achieve their aspirations by ensuring that impediments to success are removed. The O'Farrell Government is committed to local area coordinators because we believe that there is every hope and opportunity ahead for people with disabilities under a person-centred approach.

GLEN INNES AGRICULTURAL RESEARCH AND ADVISORY STATION

Mr RICHARD TORBAY: I address my question to the Minister for Primary Industries. What is the Government's position on staffing and resources to support the good work of the Glen Innes Agricultural Research and Advisory Station?

Ms KATRINA HODGKINSON: I thank the member for Northern Tablelands for his question relating to the activity occurring at the Glen Innes Agricultural Research and Advisory Station, and I am very pleased to provide the House with an answer. As at 22 February 2012, there are 12 staff at the Glen Innes Agricultural Research and Advisory Station that is operated by the New South Wales Department of Primary Industries. The only vacancy is in the manager's position following a retirement in December last year. Since that time, Mr Chris Shands, who was a livestock officer with the department and who has vast experience in livestock and their management, has acted in the manager's position. The appointment of an officer to undertake the management role of the site on a permanent basis will take place within the next few months.

The Glen Innes Agricultural Research and Advisory Station conducts research and provides extension services targeted towards the particular needs of the Northern Tablelands and north-west slopes region of New South Wales. The research and advisory station is the centre for pasture research. It has a number of pastoral livestock projects that are developing improved temperate and tropical grass and legume pasture species as well as livestock production systems. Some projects are funded right through until 2014. Specific project examples include one being undertaken by Chris Shands, who is working with the Sheep Cooperative Research Centre [CRC] on improving lamb survival and ewe management as well as other district extension activities such as a merino wether trial. That is very exciting because, having grown up on a superfine merino stud, I can certainly attest to how important that research is to farmers right across the State.

Brent McLeod, who is a product development officer in sheepmeat, is responsible for extension services to sheepmeat producers and the processing sector. Of course, the processing sector is a very large employer right throughout regional New South Wales. There is a significant focus on innovative traceability and management systems that allow for tracking animals along the abattoir chain. That provides vital information for many abattoir operators from north to south across regional areas of the State. Jason Siddell, who is a livestock officer for beef, provides extension activities and information to beef producers through projects such as Making More Beef from Pastures, which is supported by Meat and Livestock Australia.

Furthermore, the Department of Primary Industries continues to conduct a wide range of pasture research projects that are managed by Carol Harris, who is a research agronomist at Glen Innes. The projects include the development of better-adapted perennial grasses for the inland slopes. The project is funded by the Future Farm Industries Cooperative Research Centre in collaboration with the Department of Primary Industries, the CSIRO and the Victorian Department of Primary Industries. A second initiative is the very important investigation into improved white clover cultivars for the tablelands areas of New South Wales.

Mr Adrian Piccoli: Hear! Hear!

Ms KATRINA HODGKINSON: I am pleased to accept the comments made by the Minister for Education and member for Murrumbidgee and the member for Murray-Darling that show their interest in this information because I am hearing some pretty negative comments being made by members of the Opposition.

Mr Andrew Stoner: They hate farmers.

Ms KATRINA HODGKINSON: They do not like farmers, but the question asked by the member for Northern Tablelands is very important because it is all about our food supply and food security.

Mr Nathan Rees: It is more about your failure.

Ms KATRINA HODGKINSON: The member for Toongabbie expects to be able to go to a supermarket and pick up food without even thinking about where it has come from, but I assure him that all this research and development goes towards securing our food supplies.

Mr Nathan Rees: Oh, spare us the nonsense. Is this merit-based selection? Is this the merit the Government has been talking about?

Ms KATRINA HODGKINSON: It is true that he thinks that he can just drive up the road and grab three lettuces that come from the supermarket. The Opposition thinks that is how it happens, but a lot of important research and development goes into producing food.

The SPEAKER: Order! The member for Toongabbie will come to order. As the Opposition has asked questions relating to the treatment of women, I suggest that the member for Toongabbie cease interjections of that nature.

[*Interruption*]

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

Mr Adrian Piccoli: They have always been opposed to cultivars.

Ms KATRINA HODGKINSON: They are opposed to cultivars too. To complement the initiatives, research is being undertaken into the adaptation and use of tropical grasses and legumes to provide landholders

with pastures that are resilient to climatic variability. The projects are supported by two technical assistants. For the information of the member for Northern Tablelands, the department has some excess office space at the site and is able to rent any surplus accommodation space to appropriate organisations on a cost-recovery basis. The department offered accommodation to the regional landcare facilitator on a cost-recovery basis in December 2011. There are 12 very fine people who work at the Glen Innes Agricultural Research and Advisory Station and they are doing great work for our farmers right across the State.

ELECTRICITY PRICES

Mr KEVIN CONOLLY: My question is addressed to the Minister for Resources and Energy. What assistance is the Government providing to families who are struggling to pay their power bills?

Mr CHRIS HARTCHER: I thank the member for Riverstone for his question. Every time he speaks in the House, my breath is taken away by recalling his record election result in March 2011.

[*Interruption*]

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

Mr CHRIS HARTCHER: It was a fantastic election result. The combined total of voting margins won by 20 members of the Opposition do not equal the voting margin achieved by the member for Riverstone. Under Labor, electricity prices rose by 60 per cent. On 1 July, under Labor, because of the carbon tax, electricity prices will rise by another 20 per cent—an 80 per cent rise under Labor.

The SPEAKER: Order! I warn members that several of them already are on two or three calls to order.

Mr CHRIS HARTCHER: This Government has been helping the 700,000 battlers who are fighting each quarter to pay their electricity bill. For that reason we have introduced a range of measures for the electricity assistance program and we have also introduced the low-income program, which allows $200 per year for the battlers, and which will rise again on 1 July to $215 a year. Members of this House would be interested to know of two comments made recently, one by the Leader of the Opposition in the Legislative Council, the Hon. Luke Foley, and the other by the former Premier of New South Wales, the Hon. Kristina Keneally.

They both said in the last few days that the O'Farrell Government had abandoned a $55 million program to increase the electricity voucher program. That program was announced in 2009 but that program was unfunded in 2010. That cruel deceit to help the battlers was dismissed, abandoned, by the energy Minister at the time, who was John Robertson. The pledge given by that Government was abandoned by that man. Even better than his betrayal of 700,000 battlers in the State was the promise by Kristina Keneally—

The SPEAKER: I direct the Minister to return to the leave of the question.

Mr CHRIS HARTCHER:—at the end of 2010 that she would review the scheme. She promised to review the scheme abandoned by her Minister, the Minister for Energy.

Mr Michael Daley: Point of order: If the Minister departs any further from the question he will be out in Macquarie Street. Can we ask him to come back to the House?

The SPEAKER: I have asked the Minister to return to the leave of the question and I expect him to do just that.

Mr CHRIS HARTCHER: I am talking about the programs to assist the battlers in this State, the $55 million program which the then Premier said she would review. I have checked the records, there was no review. She said, not last week, but only yesterday, that the O'Farrell Government had abandoned the program that her Government had abandoned, which she promised to review and which she never reviewed. The many allegations that can be made against the former Government are manifold but it put in practice a cruel deceit on the workers of this State, a cruel deceit on the battlers of this State, the people of this State who relied upon them for protection; who saw their electricity price goes up every quarter after quarter, and who will see it go up again next quarter thanks to the former Government's comrades in Canberra. The Labor Government promised relief and abandoned its policies.

Mr John Robertson: Point of order: Electricity prices have gone up 18 per cent under this Government with no excuse.

The SPEAKER: That is not a point of order.

Question time concluded.

PETITIONS

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

Punchbowl Bus Services

Petition requesting a bus service along Victoria Road, Punchbowl, received from **Mr Robert Furolo**.

Walsh Bay Precinct Public Transport

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

Pet Shops

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

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**.

Pig-dog Hunting Ban

Petition requesting the ban of pig-dog hunting in New South Wales, received from **Ms Clover Moore**.

Slaughterhouse Monitoring

Petition requesting mandatory CCTV for all New South Wales slaughterhouses, received from **Ms Clover Moore**.

Animals Performing in Circuses

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

Puppy Factories and Pet Shop and Online Animal Sales

Petition opposing puppy factories and the sale of animals from pet shops and online, received from **Mr Rob Stokes**.

Tamworth Crime and Antisocial Behaviour

Petition requesting immediate government action to combat increasing levels of crime and antisocial behaviour in the Tamworth community, received from **Mr Kevin Anderson**.

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

Jigamy Farm Road and Signage

Petition requesting an upgrade of the entrance-exit road and signage for Jigamy Farm, received from **Mr Andrew Constance**.

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**.

BUSINESS OF THE HOUSE

Withdrawal of Business

Mr JOHN WILLIAMS (Murray-Darling) [3.18 p.m.]: I move:

That General Business Order of the Day (General Order) No. 1 be discharged.

Question put.

The House divided.

Ayes, 69

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

Noes, 20

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

Question resolved in the affirmative.

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Pacific Highway Upgrade

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [3.25 p.m.]: My motion deserves priority because in 1996 the then roads Minister, Carl Scully, promised that New South Wales would have a four-lane dual carriageway stretching from Hexham to the Queensland border. From 1997 until now 555 people have been killed on the Pacific Highway, with many thousands of others either maimed or injured. In 2005 the Federal Coalition Government led by John Howard recognised the significance of this route as the major transport route in Australia and reached an 80:20 funding agreement with the New South Wales Government, even though it had been deemed a State road. The Howard Federal Government considered the road to be of national significance and agreed to that funding split, which basically has continued except for one stage under the previous Labor Government when $300 million was removed from the budget. We did not hear a peep from the Federal Minister for Transport, Anthony Albanese. In fact, under Mr Albanese and State Labor funding slipped from an 80:20 split to 86:14.

No screams came from Federal Labor that the New South Wales Government should contribute more. Now Mr Albanese has said that New South Wales should contribute 50 per cent of the funding to this major national transport route, which has taken 555 lives since 1997. This call comes from a Government that is expending an estimated $36 billion on a national broadband network scheme that the vast majority of Australians do not want. Yet it is prepared to burden the New South Wales Government with an increased cost of $2.3 billion to this highway. That will blow the expected completion of the upgrade out from 2016 to who knows when. This Parliament and every member here should support this motion to ensure that a strong message is sent to Mr Albanese and his Federal colleagues to ensure that the funding is kept to the 80:20 split.

Ms Anna Watson: It is Mr Albanese-y.

Mr ANDREW FRASER: Sorry, I thought it was Mr Tebbutt. That 80:20 funding split has remained in place since 2005. That is the message we need to send to the Federal Government to protect this highway and those who travel on it. I ask members to support my motion.

Kurri Kurri Aluminium Smelter

Mr CLAYTON BARR (Cessnock) [3.28 p.m.]: My motion is that the House calls on the Premier to fulfil the commitment that he gave to the workers at the Kurri Kurri Hydro aluminium smelter in the days before the last election and to secure a new power supply agreement for the plant. If members do not discuss the situation at the Kurri Kurri Hydro aluminium smelter they will leave the people of the Hunter dangling on the campaign promises of politicians who will say anything to get into power but who are silent and absent once they are elected. This issue should be a priority for the House and for the Government.

Ms Robyn Parker: Point of order: To clarify, it is pronounced "heedro".

The SPEAKER: Order! There is no point of order. I remind members of the new sessional orders relating to interruptions.

Mr CLAYTON BARR: It is "heedro" if you are Norwegian.

Mr Daryl Maguire: Point of order—

The SPEAKER: Order! I am reluctant to take a point of order from the member for Wagga Wagga in light of the new sessional orders. If it relates to disorder, I will consider it.

Mr Daryl Maguire: It is a procedural matter. When a point of order is taken it is a tradition in this House for the member with the call to retire to their seat. The member for Cessnock did not do that. I ask that the rules be enforced.

The SPEAKER: I did not tell the member for Cessnock to resume his seat. Given the short time that the member has to give reasons as to why his motion should be accorded priority, I ask him to proceed. The member has the call. Opposition members will come to order.

Mr CLAYTON BARR: Executives at Kurri Kurri Hydro have made it clear that only three factors affect the future of the plant: first, the price of aluminium on the London Metal Exchange; secondly, the high Australian dollar; and, thirdly, the supply of electricity. To that end, we need to discuss electricity in the Chamber today. I am happy to acknowledge that it was the former Labor Government that made the decision to delay renewing the contract at the end of 2010. At that time, the Coalition urged the Government to reconsider the renewal. A conga line of Coalition members fell over each other to condemn the former Labor Government and promised to sign the contract if elected. Those members now sit on the Government benches as Ministers. I refer to the Premier, the Deputy Premier, the Minister for Primary Industries, and Minister for Small Business,

the Minister for the Environment, and Minister for Heritage, and the Minister for Roads and Ports in the other place. But do not just take my word for it. Some of my favourite comments come from the Member for Port Stephens, who in this place on 24 November 2010 said:

> More than 700 people from across the upper and lower Hunter, Port Stephens and the Central Coast are employed by Hydro aluminium at Kurri Kurri. It is the primary source of employment ...

I could not have said it better myself. The now Minister for the Environment, and Minister for Heritage in a letter to the editor of the *Maitland Mercury* on 19 November 2010 stated that as a senior Minister in the Labor Government the then member for Maitland, Mr Terenzini, should have been banging down the Treasurer's office door. As a senior Minister in this Coalition Government, the Minister should be doing the same to protect jobs in her community and in mine. Some 2,500 Hunter residents depend on the smelter for their livelihoods, which are at risk. [*Time expired.*]

Mr Brad Hazzard: On a matter of procedure, the agreement the Government has with the Opposition is that in general circumstances, on the basis of the shortened time in the new sessional orders—three minutes—we would seek to limit the number of points of order. Valid points of order were taken during the member's contribution; consequently, if the member for Cessnock wants an extra minute to conclude his remarks the Government is inclined to allow him that time. If, on the other hand, he has completed his speech, that is fine.

Mr Clayton Barr: No. I've got plenty more.

Mr Brad Hazzard: Provided the member for Cessnock continues in the same vein, we will allow him to speak for an extra minute.

The SPEAKER: Order! That is a decision for the Chair to make. The member for Cessnock has the call. The member may speak for as long as he wishes. I remind Government members of the sessional orders relating to points of order.

Mr CLAYTON BARR: The Minister for the Environment, and Minister for Heritage went further and said, "I will keep fighting on the behalf of the workers and the management of Hydro." I ask her to do that now. The Minister knows the stakes. For the benefit of Coalition members who served in this Parliament prior to the election and Coalition members elected recently, the fact is that those opposite were elected to government 11 months ago and yet no contract has been signed. Surely they are not spitting the dummy just because I won in Cessnock. Regardless of the reason, it has clearly not been a priority thus far and I ask now that it become a priority for the Government. The closure of Hydro aluminium would be a disaster for Kurri Kurri—and Kurri Kurri is only the epicentre of a much broader disaster for the Hunter.

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

The House divided.

Ayes, 64

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

Noes, 24

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

Question resolved in the affirmative.

PACIFIC HIGHWAY UPGRADE

Motion Accorded Priority

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [3.42 p.m.]: I move:

That this House calls on the Commonwealth Government to agree to maintain the historic 80:20 Commonwealth-State funding formula to ensure the completion of the Pacific Highway upgrade by 2016.

I start by saying how disappointed I am that Labor members and a number of Independents in this Chamber voted against this motion being accorded priority. I think they fail to recognise that their constituents are being killed, maimed and injured in accidents on the Pacific Highway. Their constituents are having accidents because they are less familiar with the Pacific Highway and its accident black spots. Their failure to support having the existing funding formula applied to this major transport route in Australia is beyond my comprehension. This highway carries about 30,000 heavy vehicles a week through small villages and towns. On 8 January this year young Max McGregor of Urunga was killed whilst sleeping in his bed when a vehicle driven by a person with a blood alcohol reading of 0.245 collided head-on with a B-double.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. I am having great difficulty hearing the member for Coffs Harbour.

Mr ANDREW FRASER: The driver of the B-double lost control of his vehicle, which veered off the highway, narrowly missed two houses and smashed into the home in which young Max was sleeping. It is not right that an 11-year-old child should die in his bed because a highway upgrade has remained unfinished since 2006. The only way that we can complete these works on this highway is to apply to it the current level of funding. Mr Albanese, prior to our election and last budget, challenged this Government to increase its funding. We did. I thank the Treasurer and the Minister for Roads and Ports, the Hon. Duncan Gay, for providing an extra $468 million in an effort to fast-track the upgrade of this highway. However, I believe we cannot meet the 2016 deadline if the Federal Government fails to meet its funding commitment under the arrangement originally put in place by the Howard Government in 2005 and continues with that funding arrangement until the upgrade of the highway is completed.

I have called on numerous occasions, in this House and publicly, for a meeting of State and Federal Ministers so that we can put in place a funding arrangement beyond 2014, when the current arrangement expires, to ensure the upgrade is completed by 2016. Unfortunately, every time the matter is raised Mr Albanese launches a personal attack on me, my Federal colleague Luke Hartsuyker and other Nationals members from the North Coast simply because he wants to play politics. I say to him and to those opposite: Politics is about people. As I said in the lead-up to this debate, 555 people have been killed on this highway, and thousands more have been maimed and injured since 1997. If those statistics were of casualties in Afghanistan or any other theatre of war I guarantee that people would be marching on this Parliament asking that the war be stopped.

As I think Dr Ray Jones said at a rally at Urunga two weeks ago, if the money spent on our overseas military commitment were spent on the Pacific Highway, the upgrade would be completed in no time at all. We must have a commitment from the Federal Government to continue the current funding arrangement. We must ensure that this major transport route, which brings food to the tables of the people of Sydney as well as

delivering other goods and services to people along the North Coast and into Queensland, continues to be funded so that those goods and services can continue to be delivered. Anything else is totally unacceptable. I commend the motion to the House.

Mr ROBERT FUROLO (Lakemba) [3.47 p.m.]: I am very pleased to speak in this debate. The motion moved by the member for Coffs Harbour is the biggest own goal of the year. It highlights that the member is not a student of history. He is unaware of the genesis of this issue. The funding formula that he criticised in speaking to his motion is not a construct of the Labor Party or of a Labor Government. It is of course a construct of former Liberal Prime Minister of Australia John Howard. The Federal Labor Government is asking nothing more of the New South Wales Coalition Government than was requested by the Howard Government of the former New South Wales Labor Government. The Howard Government's AusLink white paper of June 2004 established the 2016 target and the principle of matching Federal and State funding. I quote the former Prime Minister, who said:

> The Government's objective is to duplicate the Pacific Highway by 2016, in partnership with the New South Wales Government. The New South Wales Government will be expected to at least match this level of funding.

That is the hero of the member for Coffs Harbour, not my hero. This is not a Labor construct. This is what John Howard said when he set the target of 2016. He also said:

> My Government's preference remains for the duplication to be completed by 2016, in line with our 2004 commitment …
>
> The Coalition Government is willing to provide our share of the additional funding needed to fully duplicate by 2016, if the New South Wales Government will match our funding commitment.

I consider the request of the current Federal roads Minister to be no more onerous than the request of the former Liberal Prime Minister. Let us consider the facts of Pacific Highway funding. In John Howard's time as Prime Minister, from 1996-97 to 2007-08, his contribution to funding for the Pacific Highway was a princely $1.3 billion. During that period the New South Wales Labor State Government provided funding of $2.5 billion. My maths may not be as good as that of the member for Coffs Harbour but that works out roughly at one-third Federal funding and two-thirds State funding for the period of the Federal Liberal Government. But it gets worse for the Liberals. From 2008-09 to 2014-15 the State Government will be investing $1 billion and the Federal Labor Government has committed $4.1 billion. If we talk about a commitment to fixing the "black ribbon of death", as the member for Coffs Harbour has labelled the road, there is only one party that has backed up its commitment with real hard cash—and that is the Labor Party. I will quote some of the comments made by those opposite about this very issue. The Deputy Premier said:

> Only the NSW Liberals & Nationals are committed to completing the upgrade of the Pacific Highway by 2016.

So one would think that would happen, but when given the opportunity to fund this project the Deputy Premier has walked away. We cannot see the Liberals and The Nationals for dust at the moment because they are running as fast as they can from the offer of a commitment to fund this project; they do not want a bar of it. The Deputy Premier also said:

> We've committed an additional $5 billion on top of the infrastructure money already in ... state budget to fast-track vital projects – and I can't think of any more important than the Pacific Highway.

The Liberal-Nationals talk the talk but they fail to stump up with the money when the opportunity presents itself. When the current Minister for Roads and Ports, the Hon. Duncan Gay, was the shadow Minister for Roads, Ports and Waterways he called on the former New South Wales Government to match the Federal funding that was on offer at the time. He said:

> And I would hope this time [the former State Labor Minister for Roads would] say, "Yes I will match that money and save the lives of people in NSW that have to use this highway".

That is exactly what we are asking the current Government to do: match the money that the Federal Labor Government has put on the table and help to save the lives of people in New South Wales. If the member for Coffs Harbour were serious about this he would lobby his colleagues to make sure that the money is made available. [*Time expired.*]

Mr CHRISTOPHER GULAPTIS (Clarence) [3.52 p.m.]: This issue is a priority in my electorate, as it is in all the electorates that the Pacific Highway traverses. As the member for Coffs Harbour said, 550 lives have been lost on the Pacific Highway, and lives continue to be lost. Surely completing the upgrade and saving people's lives deserves a bipartisan approach. Surely people's lives are worth more than playing politics in this place, because every day people's lives are being put at risk. The stretch of highway in the electorate of Clarence will be the last to be completed. Why should people in my electorate suffer because the Federal Government

wants to play politics and is supported by those opposite? This is a major piece of infrastructure that will save lives and that is long overdue. Federal Labor is spending $36 billion on the information highway, yet it will not spend money to save lives on our number one transport highway.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Lakemba has had his opportunity to contribute to the debate.

Mr CHRISTOPHER GULAPTIS: We do not want $36 billion spent on the information highway; we want our number one transport highway completed. When the former State Labor Government left office there was an 86:14 funding split between the Federal Government and the State Government. Coincidentally, as soon as the former State Government was kicked out in March last year suddenly that funding arrangement changed. That is playing politics and it is playing with people's lives.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Lakemba has already made his contribution.

Mr CHRISTOPHER GULAPTIS: The New South Wales Government supports the Prime Minister's 2016 completion date target for the Pacific Highway, but that target was not going to be met because the former State Labor Government cut $300 million from the project. It was the Liberal-Nationals Government that coughed up $468 million in last year's budget to ensure that the shortfall in funding was met in order to save lives and meet our commitment to the 2016 deadline. Let us ensure that there is not a deadline every day and adopt a bipartisan approach to saving lives. Those on the other side should be encouraging their cohorts in the Federal Parliament to agree to the 80:20 split so that we can meet that 2016 deadline. I commend the motion to the House.

Ms ANNA WATSON (Shellharbour) [3.55 p.m.]: As the old saying goes, "I think they doth protest too much". To me, this smells like another broken promise from those opposite. The member for Coffs Harbour has the hide to talk about Federal Labor's commitment to funding the Pacific Highway.

Mr Christopher Gulaptis: It is about saving lives.

Ms ANNA WATSON: I agree it is about saving lives, and that is a priority for us all. I will give a little bit of a history lesson so Government members can take notes for future reference. Back in 1996-97 the Howard Coalition Government committed $1.3 billion to the Pacific Highway while the former New South Wales Labor Government committed $2.5 billion. So far, the current New South Wales Government has committed $1 billion while Federal Labor has committed $4.1 billion. In opposition Andrew Stoner said:

> Elect us and we will get the job done by 2016. Only the NSW Liberals & Nationals are committed to completing the upgrade of the Pacific Highway by 2016.

As I said, this smells of another broken promise. There is always whingeing and whining about what it is going to cost. It is about time those on the other side put their money where their mouth is. Anthony Albanese has committed to a 50:50 partnership.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Shellharbour will refer to members by their electorate or their positions.

Ms ANNA WATSON: Duncan Gay received—

The DEPUTY-SPEAKER (Mr Thomas George): Order! Who is Duncan Gay?

Ms ANNA WATSON: He is the Minister for Roads and Ports.

The DEPUTY-SPEAKER (Mr Thomas George): Order! That is how he will be referred to.

Ms ANNA WATSON: The Hon. Duncan Gay, the Minister for Roads and Ports, received a letter from the Hon. Anthony Albanese, the Minister for Infrastructure and Transport, and Leader of the House. Mr Albanese wrote to the Hon. Duncan Gay in January and said in relation to the Pacific Highway:

> ... in order to achieve this objective, additional funds from both the Federal Government and State Government will be required. Consistent with the views going back to the AusLink program it is the Federal Government's position that this should be achieved with joint funding on a 50:50 basis.
>
> As you would be aware, during the period of the former Howard Government only $1.3 billion was committed federally ...

[*Time expired.*]

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [3.58 p.m.], in reply: I thank the member for Clarence for his contribution. I merely acknowledge the contributions by the members for Lakemba and Shellharbour. I challenge them to go back to their electorates and tell the people who have relatives that have been killed, maimed or injured on the Pacific Highway that they will not stand up to Mr Albanese and ask him to continue the funding arrangement—

Mr Robert Furolo: Point of order: Mr Deputy-Speaker, you have asked members to address other members by their official titles.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have heard enough on the point of order. The member for Coffs Harbour will refer to members by their correct titles.

Mr ANDREW FRASER: I am amazed by the hide of the member for Lakemba to tell us that we should fund it 50:50 because the Federal Minister for Infrastructure and Transport, Mr Anthony Albanese, says so. The member for Lakemba's party left government with a $6 billion debt and removed $300 million funding for the Pacific Highway from the 2009 budget. The member for Lakemba should know all about car accidents. If he had pranged that Lamborghini on the Pacific Highway he would not have survived. Members opposite are trying to defend a Federal Labor Government that cannot even decide the leadership of this country and is prepared to throw billions of dollars into a technology highway, but will not fund the largest road in Australia.

The Pacific Highway was a State road under the last Labor Government and was made a federally funded road by Prime Minister John Howard. The road has historically attracted 80 per cent of its funding from the Federal Government. I am disappointed that the member for Shellharbour and the member for Lakemba are playing games and politics on this issue. I again challenge them and their colleagues to go to their electorates and apologise to their constituents who have known people that have been killed or maimed on the Pacific Highway. I am amazed at the arrogance and ignorance of members opposite about a road that has taken 555 lives since 1997. Go and tell those families and tell Mr Albanese— [*Time expired*.]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 62

Mr Anderson	Mr Flowers	Mr Rohan
Mr Annesley	Mr Fraser	Mr Rowell
Mr Aplin	Mr Gee	Mrs Sage
Mr Ayres	Ms Gibbons	Mr Sidoti
Mr Baird	Mr Gulaptis	Mrs Skinner
Mr Barilaro	Mr Holstein	Mr Smith
Mr Bassett	Mr Humphries	Mr Souris
Mr Baumann	Mr Issa	Mr Speakman
Ms Berejiklian	Mr Kean	Mr Spence
Mr Bromhead	Dr Lee	Mr Stokes
Mr Brookes	Ms Moore	Mr Stoner
Mr Casuscelli	Mr Notley-Smith	Mr Toole
Mr Conolly	Mr O'Dea	Mr Torbay
Mr Constance	Mr Owen	Ms Upton
Mr Cornwell	Mr Page	Mr Ward
Mr Coure	Mr Patterson	Mr Webber
Mrs Davies	Mr Perrottet	Mr R. C. Williams
Mr Dominello	Mr Piccoli	Mrs Williams
Mr Doyle	Mr Piper	*Tellers,*
Mr Elliott	Mr Provest	Mr Maguire
Mr Evans	Mr Roberts	Mr Williams

Noes, 21

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

Question resolved in the affirmative.

Motion agreed to.

EDUCATION AMENDMENT (RECORD OF SCHOOL ACHIEVEMENT) BILL 2012

Agreement in Principle

Debate resumed from an earlier hour.

Dr GEOFF LEE (Parramatta) [4.09 p.m.]: It is a pleasure to support the Education Amendment (Record of School Achievement) Bill 2012. At the outset I inform the House that the views I express are my personal views and are not necessarily the views of the Liberal-Nationals Government. Earlier I referred to the importance of education to young people. I previously operated a landscaping business and employed young people in landscape trades. I know from experience it is important to recognise that young people of 16 or 17 years of age, who are able to obtain employment at that age, can undertake apprenticeships, so it is important to encourage young people who have found employment to take up opportunities to acquire a trade qualification. It has been my experience that young people who undertake a trade apprenticeship at 16 years of age complete their apprenticeship in four years. By the time they are 20 years old, they graduate as fully qualified tradesmen in landscape, carpentry or plumbing. It is widely recognised that some young people are more suited to a trade career than other types of endeavour. For example, plumbers can become quite wealthy.

Mr Anthony Roberts: I've never met a poor one.

Dr GEOFF LEE: I acknowledge the Minister's interjection. I have never met a poor plumber either, so perhaps it is a case of our anecdotal experience confirming a truism. It is very disappointing that the Opposition does not care about education for young people and the future of Australia. It is very interesting that people learn in different ways. Our future education system must cater to a variety of methods of learning—such as experiential learning which derives from experience, learning by reading, or group discussion—and provide different pathways or mechanisms that best suit different people. Sometimes learning in a school environment is not the best way for some people to learn, and learning a trade by attending TAFE and undertaking an apprenticeship—part-time studying and part-time work—is better for them.

While the traditional approach to teaching and learning still exists, the methods by which people learn have been enlarged. While being the teacher in front of a class and conducting face-to-face interaction still exists—the sage on the stage, as we used to describe it at the university—the online environment provides wider opportunities by which educational institutions can deliver their message. It is estimated that in the future 30 per cent of learning will be conducted online. But the way in which I envisage the future of education is that there will be a blended approach to teaching and learning that will include face-to-face or online learning environments. With various educational environments in existence, people will be able to select the channel most suited to them, which will include workplace learning in formal and informal settings. Research shows that most learning occurs in informal settings rather than in a classroom.

The bill recognises that learning is not begun and concluded at school. I encourage everybody, not just young people, to take up opportunities for lifelong learning whereby they can enter the system or leave at any time. I think lifelong learning will be the way of the future. The Americans demonstrate that very well through their college system which allows students to attend university or revert to TAFE or the vocational education and training [VET] system, or enter the vocational education and training system and switch to the university. There is fantastic potential by which to provide seamless transition among different educational environments,

such as high school, the vocational education and training sector and the tertiary sector, and opportunities are not limited by age. Education is not just for young people but for everybody. We as a government must provide pathways and encourage people to enter and exit different educational institutions from time to time when it suits them.

A lot of my research has focused on the role of teaching. The traditional assumption is that the teacher or lecturer is the holder of all the knowledge, but the modern student is being taught to understand and apply critical thinking. Bloom's Taxonomy on higher order thinking and critical skills shows how good teachers should encourage the development of higher order thinking skills. As I stated earlier, people who change their careers three or four times during their lifetime will be well served by having been taught critical analysis and higher-level skills. Critical thinking recognises that the teacher becomes not only a provider of information but a person who facilitates student learning. I conclude my remarks by recognising that a teacher's contribution to student attainment represents approximately 30 per cent of the students' results. We should congratulate our hardworking teachers and principals in our public and independent schools. I appreciate having had this opportunity to speak during the debate. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [4.15 p.m.]: At the outset of my contribution to debate on the Education Amendment (Record of School Achievement) Bill 2012, I state that the New South Wales Opposition will not oppose the bill. Again we have the extraordinary situation of a Minister introducing a bill that builds on the work of his predecessor—in this case, the former member for Balmain—yet being unable to bring himself to acknowledge that fact. This bill represents the end point of a process that began under the previous Government. The former Labor Government recognised the need to phase out the School Certificate and replace it with an appropriate award. The former Government also increased the school leaving age to 17—an achievement that the Minister mentioned as though it happened in a vacuum.

While it may not suit the Government's propaganda about a broken State to admit that it agrees with much of the former Labor Government's legislative agenda, that is not a reason to fail to give credit where it is due. It is also interesting that the Minister has chosen to introduce this legislation now, given that the Minister has hit parents at public preschools with exorbitant fees and recently left disabled children stranded on the side of the road. It will be interesting to see if the Minster can competently oversee the implementation of this legislation. I wish him luck in this endeavour. However, it seems that we might be seeing a modicum of maturity from the Government. In the Minister's agreement in principle speech, he stated, "New South Wales has an outstanding education system …".

Unless the Minister believes he has turned the tables in less than a year in office, it seems that the Minister is admitting finally that Labor got it right. Bankstown consistently has one of the highest birth rates in New South Wales, so it should come as no surprise that my electorate has a large number of schools. Bankstown schools represent the diversity of our community and include public, private and Catholic systemic schools. Sadly, several of the schools in my electorate rely on demountable classrooms. In the last financial year I requested replacement of the demountable buildings. Unfortunately, that will become all the more difficult due to the Government's cuts to the Demountable Replacement Program.

Mr Andrew Gee: Point of order: This is all very interesting, but it has nothing to do with the legislation that is before the House.

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

Mr Andrew Gee: Relevance and returning to the leave of the bill.

Mr Nathan Rees: To the point of order: The member for Orange has only just entered the Chamber whereas we listened intently to the member for Parramatta. Any member in the Chamber would concede that the remarks that are the subject of the point of order are roughly equivalent to the remarks made by the member for Parramatta.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I am sure the member for Bankstown will return to the leave of the bill and complete her contribution.

Ms TANIA MIHAILUK: I understand that without dedicated funding from the program the replacement of demountables will have to be taken from existing capital works budgets. I condemn the Government for this decision, which will primarily affect those schools already at a disadvantage. I take this

opportunity to praise the great work of teachers in Bankstown and New South Wales. Teaching is a difficult and often thankless task, and our teachers receive nowhere near the pay they deserve, nor will they under the O'Farrell Government. It is truly a privilege for me to represent teachers in my area and throughout our great State. The bill seeks to replace the former School Certificate with a Record of School Achievement for those students who leave school prior to completing their Higher School Certificate.

I understand there is some concern within the teaching sector about motivating those students who decide not to complete year 12. Many teachers have expressed that there is little to inspire those students who reach year 10 and know they will not complete year 12. It is important that we provide students with diverse opportunities and incentives to reach their full potential. I know that the Record of School Achievement will attempt to capture extracurricular activities such as community service, language studies, part-time employment and onsite work experience. Schedule 1 part 18 states:

> The record may include any other information relating to the student's activities while at school as the Board thinks appropriate.

Many students do not perform particularly well academically but contribute to their school community, their school life and also to the broader community. Both sides of politics recognise the importance of a rounded education that can include everything from music, sport and languages to technical trade skills in addition to the standard streams of mathematics and English. It is encouraging that those students who go above and beyond their studies in other ways will have their hard work recognised and I commend that feature of this proposal. I note that the bill allocates a great deal of decision making to the Board of Studies regarding, for example, determining the learning areas to be covered by the Record of School Achievement as set out in schedule 1 item [14]. While it is important that such matters are left to the experts I also encourage the Minister to ensure that adequate review processes are put in place to ensure that the Record of School Achievement is appropriately matched to the particular achievements and the extracurricular activities that particular schools may be able to achieve. I particularly welcome new section 98 (6) in schedule 1 item [18], which states:

> The Board may provide special records of achievement to students with intellectual disabilities who undertake formal courses of study even though the courses are not undertaken for a recognised certificate.

As a lifelong advocate for disability services I welcome any initiative that acknowledges the hard work that intellectually disabled students do. It is important that these students know that their work is important and that they receive formal acknowledgement of their studies. I put on the record the fact that an external examination has been replaced by internal processes. This is something we should be cautious about. Governments of both persuasions have long recognised the need for external and independent testing for school students. While the Opposition is not opposed to this change, it is something I would recommend the Government review carefully over the coming years as there is the potential for abuse. The Opposition does not oppose this bill but we expect that the proposed examination system will be reviewed and scrutinised over the coming years and we call on the Government to confirm this.

Mr GLENN BROOKES (East Hills) [4.20 p.m.]: I have never made a secret of the fact that I was not an overachiever at school. In fact, I was not an achiever at all. I did not like school and I left quite early with nothing to show for anything I did while I was there. When I went to school, there were no counsellors or access to work experience. Back then, academics determined what would be taught and how it would be taught. Any reviews of the educational system were an internal affair and the thought of seeking the opinions of stakeholders, such as employers and students, would have been laughed at. Year after year thousands of children sat the same exams and received either a School Certificate or a Higher School Certificate. There was no recognition of a student's non-academic endeavours and they were given no credit for their achievements if they left school early. That was my experience at school and while by and large, I have no regrets, perhaps if what is available now was available then my experience and the experience of many other students may have been quite different.

It is on that basis that I welcome the Education Amendment (Record of School Achievement) Bill 2012 with open arms. This bill will herald a new era of education in which students are not only encouraged to be all they can be, but in which their achievements will be both valued and recognised. Although as parents we all have high hopes for our children, the reality is that not everyone is cut out to be a brain surgeon. While some kids are academically inclined, others are more hands on. It is, therefore, very pleasing to see that the underpinning philosophy of the bill is the recognition that a child's achievement at school can be measured effectively through both formal examinations as well as other forms of assessment.

The Record of Achievement, which will be awarded to students when they leave school, will reflect accomplishments and not just how well they did on the final exam. It will be very useful and helpful. I can

remember when I was a kid that my dad taught me how to paint, how to use a screwdriver, how to bang in a nail and so on. Dad and I built billy carts together and I still remember what he taught me while we put things together. Parents today are too busy to spend that sort of time with their kids and hence those types of skills are not passed on. If, at the very least, the Education Amendment (Record of School Achievement) Bill 2012 provides school students with the opportunity to learn these fundamental trade skills, then more has been achieved than I think a lot of people here can probably imagine.

As an employer, the last thing I ask a young person who is seeking work at my factory is to take a look at their examination results. Quite frankly, I am not interested in knowing if they can spell "hammer"; I want to know if they can actually use a hammer. The Record of School Achievement, which will be created under this bill, recognises that school-awarded grades are the best way of communicating to employers like me a student's achievements in a practical and understandable manner. The Record of School Achievement will allow employers like me to more confidently determine if a young fellow seeking employment has the fundamental skills that can be built upon to turn that person into the tradesman of tomorrow.

But more importantly, the Record of School Achievement will motivate students to do the best they can in all aspects of their schooling because they will know that all of their endeavours will be recognised. Those students will feel more engaged and more empowered because they will know that they will benefit directly from what they have done at school when they take their first big steps into the world of employment. The Education Amendment (Record of School Achievement) Bill 2012 is the result of extensive consultation that is reflective of the needs of our modern children within this modern society. The Minister for Education deserves a pat on the back for introducing this bill and I commend it to the House.

Ms ANNA WATSON (Shellharbour) [4.29 p.m.]: I contribute to the debate on the Education Amendment (Record of School Achievement) Bill 2012. I support the amending bill. I find it appropriate that the School Certificate is replaced with a Record of School Achievement, which will be a record of results and all achievements attained by a student who leaves school prior to completing the Higher School Certificate. We all know that the initial review was undertaken by the previous Labor Government, and I commend it on the initiative that has resulted in the introduction of this bill. Clearly, this bill represents a more modernised and more relevant document for all students. It will assist employers to determine more effectively the suitability of apprentices and/or positions based on areas of student achievement and success.

While the Board of Studies will continue to moderate grades, schools will be able to set tests and examine students in a school-based environment. The Board of Studies will have the task of keeping more extensive records of students' achievements while they remain at school. This will enable the board to produce transcripts for students who have commenced but not finished years 11 or 12. This will ensure great peace of mind for students, parents and teachers. My electorate has many dedicated, hardworking and highly skilled teachers in State, private and Catholic schools. These teachers now will be required to undertake further work to ensure that these student records are accurate and up to date. No doubt this will place added pressure on teachers, who already undertake hundreds of hours of unpaid overtime because, put simply, they care. They care about the teenagers who are not gifted academically, they actively investigate the special gifts and talents of each student, and they offer guidance to our young adults who are not sure which path in life to pursue.

It must be remembered that these students are often confused and frustrated, especially in such a competitive environment in regional areas where jobs are few and far between. On behalf of the Shellharbour electorate I place on record the fantastic jobs our teachers do. Over the summer break I attended many high school graduations. The common theme was that of a dedicated and hardworking team of teachers and teachers' aides, who, in my view, have one of the most responsible positions in our communities: to educate and guide our children and prepare them for life outside school. A teacher can have a lifelong and lasting effect on a student. I experienced this firsthand because I was lucky enough to have such a teacher at St Patrick's High School, Sutherland. Mrs Edwards was my English teacher and she certainly changed my life and the way I viewed life. I do not think she knew she had that effect, but teachers sometimes have profound impacts on a child's thoughts. However, what will this Government do with the cost savings resulting from Labor's review in government? How will this bill affect students with disabilities? Will the Government take action to remove the unfair, uncaring and un-Australian cap on our teachers' wages?

Mr Paul Toole: Point of order: My point of order is relevance. The member has completely forgotten what bill she is debating. She was brainwashed last year with other facts.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have heard enough on the point of order. The member for Shellharbour was straying outside the leave of the bill. I remind her to return to the leave of the bill.

Ms ANNA WATSON: Furthermore, I am concerned, as are others on this side of the House, at the level of support the Government will provide to teachers to implement this reform in our education system. I cannot imagine those opposite taking a point of order on that fair question. It is important also to highlight and recognise the many contributing factors to the educational outcomes for our students: the individual, the school itself and other outside contributions. School performance also is measured against student outcome measures, which include student participation in and engagement with schools, their views of their academic performance, as well as school retention, completion rates and academic results.

Of all the variables under a school's control, the single most decisive factor in student achievement is excellent teaching, about which I have already spoken. It is astonishing what great teachers can do for their students. Unfortunately, compared to countries that outperform us in education, we do very little to measure, develop and reward excellent teaching. We expect teachers to be effective without giving them appropriate feedback and incentives. We also have to identify our great teachers, find them, learn about what makes them so effective and transfer those skills to others so more students can benefit from top teachers and high achievement.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [4.35 p.m.]: It must be difficult for the Opposition to listen to the hard work the Government is doing and the reforms it is putting in place. We have good Ministers on this side, something for which those opposite do not have a good track record when they were in government. The Minister for Fair Trading is doing tremendous work in his area. The Minister for Education is travelling the State visiting our schools and making sure that he listens to the community, including rural and regional communities, and making necessary changes and reforms. Our Ministers are modern-age Ministers. We are not living in the Dark Ages as happened in the past. We have a Government that is seeking reforms. That is why I support the Education Amendment (Record of School Achievement) Bill 2012.

The object of this bill is to amend the Education Act 1990 to provide for a new school credential for those students who leave school prior to attaining their Higher School Certificate by replacing the School Certificate with a Record of School Achievement. In 2011 the Government announced the abolition of the School Certificate, which has existed since 1965. The Government announced also that for students choosing to leave school before completing their Higher School Certificate, the School Certificate would be replaced by a broader record of achievement. It is less common now for students to leave school at the end of year 10 to seek work or start apprenticeships. For those students not completing their Higher School Certificate it was a natural exit point from their school education.

For many people, completing years 11 and 12 and obtaining a Higher School Certificate was considered important only if a student wanted to enter university. Much has changed over the past 45 years. Many more students want to remain at school to complete their Higher School Certificate. As a community, we encouraged that trend by increasing the school leaving age, setting national targets for school retention, and introducing more and varied Higher School Certificate courses. Some students still want to leave school before receiving their Higher School Certificate. Around 18 per cent of students who complete year 10 do not go on to receive their Higher School Certificate.

Students who decide to leave school during years 11 or 12 deserve a record of their school achievements presented appropriately for the twenty-first century and which is meaningful for them and prospective employers. The Minister has introduced these necessary reforms not just from the schools' point of view but because our communities called for them. The Minister spoke to business leaders and school teachers and involved various stakeholders in the process. I congratulate the Minister on making this significant change to secondary schooling for more than a decade.

This new credential is both meaningful and modern to our communities and to the students. It is a reflection of recent changes in our education system and prepares students for the many challenges they will face. We need to rethink the traditional organisational structures that we have seen in schooling. This is not to be done in isolation. It places greater emphasis on the education community rather than sitting at different levels or different categories. It will replace the outdated School Certificate test. The credential will reflect the demands of students, employers and the broader community. Upper secondary schooling is now undertaken by the majority of students and learning becomes a life-long career.

I congratulate the Minister for the extensive consultation that has occurred with educators, employers and the community. I am pleased that the bill represents the most significant change in New South Wales secondary schools in more than a decade. The record of school achievement is very important because before students complete the Higher School Certificate they can receive a formal credential that captures what they

have completed at school. It will provide information about vocational courses they have undertaken. If they have completed a first aid course, been involved in the Duke of Edinburgh awards or have non-academic achievements it will be recorded on the Record of School Achievement. This is something that the students, parents, employers and training providers all want. It is commonsense. It is good to be sitting on this side of the Chamber with a commonsense Government. These measures will ensure that the Record of School Achievement will provide meaningful information to students, families, future educators and employers.

The bill also provides for consequential and transitional provisions. It provides that students who complete year 10 in 2012 will be the first group who may be eligible for the new Record of School Achievement and will be the first cohort of students eligible for transcripts of study for courses undertaken in year 11 in 2013 and year 12 in 2014. New South Wales school students should see that their learning is ongoing and something they take with them throughout life. Today the New South Wales education system, the Minister and the Government prepare students for industries and jobs that do not yet exist by providing them with the skills to access changing knowledge into the future.

The Minister said recently that New South Wales does have an outstanding education system. I know when he visits electorates he always praises the hard work of the teaching fraternity. The Minister is earning respect in regional and rural communities and is welcome to visit my electorate at any time. The Minister is delivering for the people of this State. I am proud to be part of a Government that is implementing historic reforms like this one. We have listened to the business community, students and schools across every sector. The Government is proud to introduce the new reform and we look to the Record of School Achievement being offered for the very first time this year. I commend the bill to the House.

Mr ANDREW GEE (Orange) [4.43 p.m.]: I too support the Education Amendment (Record of School Achievement) Bill 2012 and will make a brief contribution to the debate. Before I commence that contribution I note the presence of the Minister for Fair Trading in the House and thank him for the trail-blazing tour he recently undertook into the Central West. If an old chalkie like the member for Bathurst supports this bill then you know it has to be good. I support this bill because it creates a new, meaningful and modern credential—the Record of School Achievement. Unlike the old School Certificate the Record of School Achievement will not be awarded at a specific point in time but when a student leaves school. It has that element of flexibility in it.

One of the outstanding features of this new credential is that if students do not reach their goals the first time around in year 10 they can stay on at school and resit the literacy and numeracy components of the test. Students will have two opportunities to do so every year. This means that students will be able to leave school knowing that they have the qualification that they need to help them meet their own aspirations and goals. Unlike the old School Certificate this credential is not a one-shot deal; it will effectively give students more options. If they want to stay on and improve on their original score they have that option twice per year. I applaud the flexibility incorporated into this new credential.

Another outstanding feature of the Record of School Achievement is that it will record extracurricular activities which for a prospective employer can be just as important as academic results. Before Christmas I visited the Canobolas Rural Technology High School where awards were presented to the State Emergency Service cadets. A number of students were undergoing that program. That is the sort of extracurricular activity that will be recorded on this new credential. The Record of School Achievement is a modern credential and it is a flexible credential. I congratulate the Minister for Education on bringing this bill to the House and for his foresight and energy in making sure this important reform has become a reality. I commend the bill to the House.

Mr LEE EVANS (Heathcote) [4.46 p.m.]: The Education Amendment (Record of School Achievement) Bill 2012 represents the most significant change in the New South Wales secondary schooling system in over a decade. It replaces a credential that was first introduced in 1965 and I believe that the change it will bring is well overdue. Secondary school systems here and around the world are undergoing historic transformations and this bill ensures that the New South Wales education system continues to reflect these changes, demands and expectations. In 2009 changes were made to the Education Act that required all students in New South Wales to complete year 10 as a minimum and continue in school until the age of 17. Alternative criteria could be undertaken if a student chose to complete approved full-time education training or paid work for at least 25-hours a week, or a combination of both. However, the number of students leaving the education system after year 10 is decreasing and the Government must respond to this trend.

The data shows that just 18 per cent of students who complete year 10 do not complete the Higher School Certificate. These students are more likely to be male, Aboriginal, from government schools and from

country areas. That is precisely why it is sensible and necessary to abolish external School Certificate testing. The Record of School Achievement [RoSA] recognises the learning during senior secondary schooling in a way that will be far more meaningful to our students and community. The first year 10 students to benefit from this new structure will enter the Record of School Achievement in 2012. They will no longer be required to sit for five external tests set by the Board of Studies. The Record of School Achievement will report A to E grades for year 10 and 11 courses that result from school assessment programs. The board will enhance its moderation arrangements to support quality teachers, judgement and ensure that grades are comparable and consistent across the State.

Importantly, the Record of School Achievement will be awarded to eligible students when they leave school even if they are in the middle of year 11 or year 12. Students can continue to accumulate evidence of learning right up until their last day of school. Those students benefiting from the new scheme will have the most accurate record of academic experience that has ever been available. This means that teachers will be teaching the full curriculum that is available in year 10, and not just teaching what is required for the School Certificate test. It also means that year 10 students can study to prepare themselves for year 11, year 12 and beyond, rather than just studying to pass the School Certificate examination. This is something that students, parents, employers and training providers have been requesting for a long time. Too many students have left school with incomplete academic records and nothing that they feel comfortable showing prospective employers. Many of these students have worked extremely hard while taking on extracurricular activities only to leave without formal recognition before the end of year 12.

The Record of School Achievement will support the goal of increasing student retention; provide an official recognition of learning to all students, regardless of when they leave school; will be comparable statewide; and recognise not just academic but all school achievements up to the point that students leave. This last point is enormously important as many students do not shine in an academic sense. These students should be recognised for their diversity of efforts and learning and they should be clearly identifiable by future prospective employers. The Record of School Achievement will provide an electronic record of achievements that students can use at any time and it will use assessment by teachers in schools, moderated by the Board of Studies, to ensure reliability and fairness of grades.

The wide consultation undertaken to develop this bill has ensured that these concerns are balanced with the need to encourage students to stay at school for the Higher School Certificate, while still offering this more meaningful credential for those who do not. This consultation includes meetings with key stakeholder groups, separate meetings with more than 500 principals, teachers, students, parents and community members at nine venues across the State and more than 450 responses to an online survey. This year the Board of Studies will trial an online tool by which students can record their extracurricular achievements. It will provide the capacity to record vocational courses and experiences, leadership achievements such as the Duke of Edinburgh's Award or a first-aid course.

The Record of School Achievement will also include optional tests focussed on the literacy and numeracy skills required by school-leavers for employment and further education. The major forces behind this change are the rise of youth unemployment in the 1970s and 1980s, technical change and its impact on structural occupation and employment, globalisation and the emergence of a knowledge-based society. Education authorities and individual school communities have responded in a variety of ways with innovative changes to curriculum, assessment and structure. These have broadened access to their senior qualifications and create credible pathways for this more diverse student group. One example of these innovations is being enthusiastically embraced at Engadine High School, in my electorate of Heathcote.

I am speaking of the Re-engineering Australia Foundation's Fl in Schools program. This multidisciplinary challenge requires teams of three to five students from years 7 to 12 to design, test, manufacture and race miniature $C0_2$ powered Formula 1 cars at speeds up to 80 kilometres per hour. Its purpose is to provide exciting educational programs through active learning of science, maths and technology. Programs like this engage students in otherwise difficult to access principles of physics and engineering, and I am sure that this one has inspired a whole new generation of valuable professionals. The abolition of the School Certificate will send a clear message to our students and change the perception of the completion of year 10. Whereas it previously represented the end of mandatory schooling the new credential will be seen as a pathway to employment and to the senior years of school.

Our students need to view their education as something that will continue throughout their lives and they must be flexible learners, able to cope with change. If an opportunity arises that draws students away from

school before year 12, students should not be made to feel as though their education is permanently unfinished. The current system prepares students for industries and jobs that do not exist, by providing them with the skills to access changing knowledge in the future. Technologies, economies and jobs markets are changing so rapidly that training students for the world as it is today is to leave them woefully unprepared. The Record of School Achievement will better prepare our students for the challenges and changes that they will face in life after school. It emphasises the continuation of learning by doing away with the rigid lines between levels and the perception of a firm finishing point at the end of year 10.

I am extremely proud of this bill because it recognises that there is no one path to education and there is no one path to becoming a valuable member of the workforce. Any parent will understand that every child is different. They have different interests, strengths, weaknesses and ideas for their own futures. This new system will work with those differences rather than imposing a one-size-fits-all approach. I congratulate the Minister on this amendment and for the overwhelmingly positive reception it has received. Presidents of both the Secondary Principles Council and the Board of Studies have roundly applauded these changes, and have requested many of them for years. This is a true example of listening to the demands and expertise of the teaching community and delivering. I am certain that successive classes of New South Wales students will thank the Minister for years to come.

Mr KEVIN ANDERSON (Tamworth) [4.55 p.m.]: I am pleased to speak in this debate on the Education Amendment (Record of School Achievement) Bill 2012. I am delighted to be supporting this amendment. This is yet another commonsense legislative amendment introduced since March last year. Our constituents kept saying in the lead-up to the election: We want some commonsense put back into the discussion and in the way we do things. In this amendment the Minister for Education, the Hon. Adrian Piccoli, who is in the House this afternoon, has again demonstrated a grassroots commonsense approach to the delivery of good services to people not only in regional New South Wales—including in the Tamworth electorate—but right across the State. This Minister understands what happens at grassroots. He understands what happens at schools that have 25 or 26 students with one or two teachers. This Minister understands the situation with bigger schools, those with 800, or 1,200 or more than 1,500 students. So I am proud to be supporting this bill.

I firmly believe that we need to provide for our students the opportunity to go down the career paths that they choose. If they do not want to continue on to year 12, they should not have to do so. Not everyone wants to go to university, or to push on to the end of year 12, or be a rocket scientist. I know for a fact that many in my electorate are considering trades and other work opportunities. Some are looking to be aircraft mechanics, plumbers, electricians and a range of trade school opportunities. TAFE in my area is booming in providing education and job-ready pathways for students who want to leave school at year 10. The Education Amendment (Record of School Achievement) Bill 2012 allows them to do that because historical data will be on electronic database that they can access and use at any time.

The Record of School Achievement will use assessments by teachers in schools, moderated by the Board of Studies New South Wales to ensure reliability and fairness of grade. So everything that students have done until they leave school will be assessed; there will be a school record of what they have done. As the Record of School Achievement says, it will be a credential for students leaving school prior to receiving their Higher School Certificate. New South Wales school students should see their learning as continuing throughout their lives. Today, the New South Wales education system prepares students for industries and jobs that do not yet exist. Students who are now preparing in years 10 through to year 12 may change careers four or five times in their working lives before they retire at the retiring age in 30 years time, whatever it may be then.

We need to provide them with the flexibility and the pathways to achieve what they would like to achieve. We should not put them all in the same box and say they must do X or Y. This will give them the opportunity to leave school after year 10, if they want, and pursue a trade. If they leave school at year 10 and pursue a trade and in 15 years time decide they decide to go to university and get a diploma or a degree there is no reason why they cannot do that. We are making it easier for people to return to study because their electronic record of achievements will be online for use at any time. The Minister for Education and the Government are taking a commonsense approach.

The Record of School Achievement is a credential that prepares our students to face the world. It recognises that their learning is ongoing and that there is no finishing point. People do not reach a date when they have to stop learning, down tools and close the books. Life continues, and we continue to learn every day. Trying to learn something new every day is a good philosophy to live by. The Record of School Achievement, or ROSA—no doubt named after the member for Blue Mountains—is ready to roll to give students the

opportunity to finish year 10 and go on to do a trade. Much has changed since 1965, and students want access to up-to-date information on their school achievements when they need it. This is an excellent amendment that demonstrates the common sense of this Government. I commend the bill to the House.

Mr ANDREW ROHAN (Smithfield) [5.01 p.m.]: I am pleased to support the Education Amendment (Record of School Achievement) Bill 2012. I would like to thank the previous speakers in this debate. Education is the most important area of government; it is the area of government responsible for the quality of our future leaders. I note the comments of my good friend and colleague the member for Fairfield, who I understand failed an entire class in his previous life as a teacher at Freeman Catholic College. I say to him: kudos for highlighting the financial benefits of this bill. The money saved by the passage of this bill can be spent in other areas of education. But I digress.

I congratulate the Hon. Adrian Piccoli, the Minister for Education, on introducing the bill. The Minister has certainly hit the ground running since the election in March, with a number of innovative reforms including the Local Schools, Local Decisions policy as well as this bill. This bill, which will end the School Certificate examination, should have been introduced many years ago. Many other bills should have been introduced also but the previous Government was too focused on who their next leader would be to do anything else—such as introduce legislation to benefit the State. I will not go into the details of the School Certificate and why it is relevant to students, as the other members who have spoken before me have discussed those aspects at length.

Currently, students must continue their studies past year 10 until they turn 17 years of age. Most student's turn 17 when they are in year 11 or year 12. At present a student who leaves school in year 11 or year 12 prior to sitting their Higher School Certificate examinations leaves only with their School Certificate, which is moderated by the Board of Studies equally across the State, and their school report, which is moderated by the school and applies only to the school. The issue that arises is clear: the most recent externally recognised certification the student has is one that they completed one or two years before they left school at a time when most students are much less mature and much less focused on their studies. Their most recent results, which would more accurately reflect their knowledge and experience, are their school reports, which, unfortunately for the student, are not moderated or externally recognised. How can prospective employers fairly assess students who seek employment if they base their assessments on results that are two years old?

This bill creates a Record of School Achievement—a recognised certification moderated, regulated and provided by the Board of Studies based on the student's academic results in years 10, 11 and 12, which is given to students if they leave school prior to sitting their Higher School Certificate examinations. The Record of School Achievement will mean that the education the student received in year 11 and year 12 can still be officially recognised. The Record of School Achievement, which can assess year 10, 11 and 12 students, will make the School Certificate, which solely assesses year 10 students, redundant. The examinations that would be conducted for the School Certificate would be conducted like regular end-of-year examinations. This brings with it a number of advantages. In order to maintain fairness and impartiality, the School Certificate is an external examination conducted by the Board of Studies and, as a result, external assessors are brought in to manage the exams. As well as these external assessors, markers are required to mark the School Certificate examination. Assessors and markers are paid by the Government.

Under the Record of School Achievement, internal school examinations that are managed and marked by schoolteachers—who are already employed—will be used. Whilst the object of this bill is not to save money, we cannot ignore the financial benefits. The money saved by the passage of this bill can be spent on other areas within the education department, which in turn will benefit the education of students across out State—an area grossly neglected by the previous Government. In conclusion, the bill will bring about a new certification system that will have numerous benefits for students leaving school to enter the workforce, as well as benefits for the Board of Studies and broader benefits for the wider education system. I therefore commend the bill to the House.

Mr ADRIAN PICCOLI (Murrumbidgee—Minister for Education) [5.07 p.m.], in reply: I thank all members who have made contributions to the debate on this very important legislation, the Education Amendment (Record of School Achievement) Bill 2011, which continues the process of reforming education in New South Wales. As I have said previously, I am very proud of the reform process that the Liberal-Nationals Government has undertaken in the past 12 months and of what we will do in the next several years. This is part of a broader reform process, starting with early childhood education and going right through the school years and into vocational education and training and the university sector. The bill will amend the Education Act to introduce a new credential that is vital in preparing students for the twenty-first century.

School Certificate exams have been somewhat redundant for a number of years and interested stakeholders have made the case both to this Government and to the former Government for its replacement and upgrading. I am pleased to be part of a government that has listened to stakeholders and acted on those requests. The Record of School Achievement is a reflection of recent changes in our education system, particularly the increase in the school leaving age, introduced by the previous Government and supported by the Liberals and The Nationals. The Record of School Achievement better reflects the modern working environment and will show the extensive record of a student's achievements.

It is becoming increasingly common for students to combine education, work and training as a pathway to full-time employment so it is important for this to be shown in the Record of School Achievement. We want students to see themselves as lifelong learners who are able to engage with their communities and develop the range of skills necessary for success in the workplace. The real value of the Record of School Achievement is to recognise all the abilities of a student, not simply academic achievements. Whilst academic achievements are significant, we want a credential that will reflect all of a student's abilities. As has been said in the various contributions and in my previous speeches on this bill, those achievements around volunteering, sport and other things that make a student a well-rounded person are the kinds of activities that are relevant for employers.

The other day in a radio interview I was asked what these changes will mean for a student who continues to fail the numerary and literacy tests that we are proposing for next year. We want a credential that will also pick up the other attributes of the student in that example. They may not have performed well academically but they may have done a lot of volunteering, completed their lifesaving certificate or taken part in the Duke of Edinburgh's Award program. An employer will want to see that. The employer will see that, although the student has not performed well academically, they have not been sitting on their backside watching television all day; they have been out doing other things. As an employer, there is some attraction in knowing what a student is capable of, that they have initiative and a bit of get up and go. Employers often complain that those are difficult things to find these days.

This credential will acknowledge all the things that make a student a well-rounded person, which is information that is relevant to an employer. In many ways, the student who does not do well academically will be best served by the Record of School Achievement. The Record of School Achievement will support the goal of increasing student retention. The feedback I have had from principals, parents and teachers is that students saw the School Certificate as an endpoint. They thought they would just do the exams and then leave. Stopping year 10 being seen as an endpoint by students creates an opportunity for them to see the benefits of staying on for years 11 and 12. As public policy makers, our ultimate desire is to get every student to stay in education for as long as they can—certainly to the completion of year 12. Anything we can do to remove the incentive to leave early must be supported.

The Record of School Achievement provides an official recognition of learning for those students who leave school prior to receiving their Higher School Certificate. As a result of the increased leaving age, a lot of students want to finish in year 10 but are not able to leave school at that time and might therefore attend school until the end of year 11. Under the previous system none of the work a student had done in year 11 prior to the Higher School Certificate was recognised. Under the Record of School Achievement all of a student's performance and achievements in year 11 or to halfway through year 12 will be recognised. The Record of School Achievement will be available when a student completes year 10 if that student wants to leave school to go on to further study or to work. I am sure some year 10 students will not be too happy about that.

One of the advantages of introducing this new credential and stopping the School Certificate exam is that it gets rid of a period of approximately four weeks after the exam and before the end of the year. All members who have been to end-of-year high school presentations know that students in years 7, 8, 9 and possibly year 11 attend but students in year 10 and year 12 have already left. Year 10 used to have that few weeks snipped off the end of it. My understanding is students were not able to start the year 11 program whilst they were still officially in year 10. By stopping the exam, year 10 will continue until the last day of school for the year. As I said, that may be a bit disappointing for some year 10 students but there will be substantial benefits for their education and for the stability of the school.

As I said, it will be a cumulative record, recognising a student's academic and other school achievements until the point at which they leave school, and it will be comparable statewide. I will address that issue shortly. I am proud to be part of a Government that is placing greater emphasis on continuity within the whole education system to year 12 and beyond rather than on different levels and categories. We all know that the completion of year 10 used to be seen as the finishing point or a signal for the end of mandatory schooling.

As I said, we are removing that barrier to continuing on at school. The new credential should be seen as a pathway to employment and to the senior years of school and will reflect students' more rounded education, vocational courses and extracurricular activities. I am pleased to note that the changes in this bill reflect that the Record of School Achievement will not be awarded at a specific point in a student's schooling but rather when the student leaves school, providing eligibility requirements are met.

Some concerns were raised during the agreement in principle debate, one of which was around moderation and ensuring that there is consistency of results across the State. Students will be marked from A to E in each subject that they study. The question was whether an A in history at one school would equal an A in history at another school. The member for Marrickville and the member for Fairfield raised their concerns about that issue and I think the two schools that were compared were Bourke and Bondi. As I stated in my agreement in principle speech, the Act specifies that these will be in the learning areas and moderated in a manner determined by the Board of Studies so that an A in history awarded to a student in one school is consistent with an A in history in another.

The Board of Studies will use a number of moderation and monitoring strategies to assist consistency in the year 10 and year 11 grades of students from different schools. The board will support teachers in their understanding and application of statewide standards. More material will be added to the board's online assessment resource centre, which already contains thousands of graded work samples that show the expected standards. Moderation workshops will also be conducted, where groups of teachers can work together to develop their professional judgement of the standards represented by the grades. The board will monitor patterns of grade distribution over time. Schools will use their past experience and their knowledge of specific year groups according to the standards. The member for Marrickville had concerns that students should be proactively encouraged to request their credential. I am sure that all principals, teachers, parents and students will want a copy of their new credential that better reflects their rounded education.

The member for Balmain asked about the workload for schools and teachers. The Record of School Achievement has been designed to minimise the administrative requirements in schools. The board has advised schools that there will be no changes to their processes this year other than there being no external tests for year 10. In that regard I imagine there will be substantially less work for teachers. Teachers will be able to continue teaching until the end of the school year without the interruption of tests. The current crop of year 10 students will continue to study the same curriculum, which will be graded in the same way as in previous years. From next year, teachers will extend the practice of awarding grades according to statewide standards into year 11. This builds on a system that teachers are already familiar with. The Higher School Certificate will continue as it is. It is not affected by this legislation or by the Record of School Achievement. Resourcing implications for schools are always a key consideration in the board's decisions. Every effort will be made to maximise the student benefit from the Record of School Achievement while minimising the administrative burden on teachers and schools.

A question was asked about online testing supplementing other studies. Online literacy and numeracy tests will be voluntary and they provide additional information for employers. The students will also receive grades for the subjects they have studied, which will include English and mathematics. The test will be designed for students who are leaving school to attend TAFE or to join the workforce and are intended for school leavers only. The tests will be available in two windows of time—in the middle and at the end of the school year. The content that will be tested will be general and will be drawn from the whole curriculum. This means that teachers who teach according to the curriculum in all subjects are preparing students well for those tests.

The member for Balmain asked about ongoing consultation. The Board of Studies will continue to consult with the education community as the Record of School Achievement is developed and implemented. We will work closely with teachers, parents, students, school principals and the broader school sector. Obviously the Board of Studies is closely involved in the process. I take this opportunity to outline the background of some members of the Board of Studies so that members of Parliament will have an understanding of the breadth of expertise of that organisation. A number of board members are nominees of the Department of Education and Community and are senior executives—Leslie Loble, Greg Prior and Pam Christie. Professor Jo-Anne Reid is a nominee of the Vice-Chancellor's Committee. Two members are nominees of the Council of the Federation of Parents and Citizens Associations of New South Wales. One member of the board is the nominee of the Catholic Education Commission and another is a nominee of the Association of Independent Schools.

In addition, the board comprises one non-government school teacher who is nominated by the Independent Education Union, a nominee of the Council of Catholic School Parents and the New South Wales

Parents' Council, two principals of government schools—one being a nominee of the New South Wales Primary Principals Association and the other being a nominee of the New South Wales Secondary Principals Council—two nominees of the New South Wales Teachers Federation, one person with knowledge and expertise in early childhood education, and an Aboriginal person with knowledge and expertise in the education of Aboriginal people. That person is the head of the Aboriginal Educational Consultative Group, Cindy Berwick. In addition, there are six ministerial nominees, who possess an educational background.

I think the most recent appointment to that position was Professor John Pegg, who is an education academic at the University of New England. Carol Taylor, who is the chief executive officer of the Board of Studies, is also a member. Obviously, the Board of Studies' representation is cross-sectoral. Pretty much every educational stakeholder group is represented. Consultation undertaken just by the board is very extensive, but in relation to individual matters such as the Record of School Achievement, the board consults intensively with particular stakeholder groups that have an interest in high school education. I commend the bill to the House. I thank members for their contributions to the debate. I am very proud to be involved in implementing this significant reform that is a number of years overdue. I am also very proud to be the Minister for Education who introduces such an important reform.

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.

AGRICULTURAL TENANCIES AMENDMENT BILL 2011

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

CRIMINAL CASE CONFERENCING TRIAL REPEAL BILL 2011

Bill received from the Legislative Council and introduced.

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

GOVERNMENT INFORMATION (PUBLIC ACCESS) AMENDMENT BILL 2011

Bill received from the Legislative Council and introduced.

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

BIOFUELS AMENDMENT BILL 2012

Agreement in Principle

Debate resumed from 16 February 2012.

Mr PAUL LYNCH (Liverpool) [5.24 p.m.]: I lead for the Opposition in debate on the Biofuels Amendment Bill 2012. The shadow Minister is the Hon. Steve Whan in the other place. Labor will not support the bill. The Minister has appropriate mechanisms to achieve good results under discretionary powers in the principal Act. The overview of the bill states that is object is:

> **…** to amend the *Biofuels Act 2007* to remove the requirement, which was to have begun on 1 July 2012, for primary wholesalers selling regular unleaded petrol to ensure that it is E10. The term ***E10*** is defined in the Act to mean a petrol-ethanol blend that contains between 9% and 10% ethanol by volume, being ethanol that complies with a biofuel sustainability standard.
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> The Bill also makes a consequential amendment to the *Biofuels Regulation 2007*.

New South Wales Labor has strongly supported the development of a biofuels industry in New South Wales. Biofuels, including E10, have benefits for New South Wales primary producers, for air quality and for reducing our reliance on non-renewable imported oil. That is why Labor in government introduced legislation to gradually introduce a mandated percentage of ethanol in fuel sold in New South Wales. The legislation that the current Government seeks to amend was drafted very deliberately to deliver maximum flexibility. It includes mechanisms to delay implementation based on several factors: first, the capacity of industry in New South Wales or Australia to supply the fuel; and, secondly, the impacts on consumers and retailers.

In the first instance we wanted to ensure that local industry was gearing up to supply the fuel and that we were not creating an import-based supply. In New South Wales ethanol production is mostly a by-product of the production of starch from wheat. It does not compete with food supply, and having another product to derive from grain is positive for grain growers. Ethanol has also been produced in Australia from sugarcane. As I understand it, United service stations use it. Given the often uncertain world prices for sugar, that is a positive development for that industry. In the near future, the next generation of ethanol is also likely to come from other plant fibres, including wood. That will allow ethanol to be produced from woodchips or forest waste. As long as the forest operation is sustainable, it will be a genuinely renewable source. New South Wales does not produce ethanol from corn, as occurs in North and South America. That is seen by some critics as directly competing with food supply and leads to quite different criticism of ethanol.

The second reason for the flexibility introduced by the previous Government is essentially why the bill is before the House—the age of the vehicle fleet in New South Wales and the ability of retailers to meet the requirements that have been imposed on them. Labor put in place an objective of phasing out unleaded fuel. However, we delayed implementation and recognised in the legislation that it may have to be delayed further. The previous Labor Government did this in late 2010, when concern was expressed that there was not enough ethanol produced in New South Wales to meet the 6 per cent mandate that originally was to come into effect as at 1 January 2011. The previous Labor Government changed the percentage increase from 4 per cent to 6 per cent as at 1 July 2011, and the complete phase-out of unleaded petrol to 1 July 2012. That was supported by the then Opposition.

Labor has made it clear that we believe the implementation of the phase-out should be delayed again because it is not practical at this stage. In fact, as the Government turned itself in knots over this issue, that is what the Opposition called for. This bill highlights the Government's incompetence and division. We saw the Premier announce that he was proceeding with the ethanol mandate, only to have his resources Minister undertake a very obvious campaign of leaks of confidential Cabinet information to undermine him. We see also in this debate a huge split between The Nationals members of the Government and the resentful Liberal members. Most worryingly, though, is that we see the incompetence of a government that has refused all advice about the type of public education and consultation that was needed.

At the time when the Premier decided to go ahead with the phase-out of unleaded petrol, the Labor Opposition was concerned that he had failed to engage in dialogue and undertake a community campaign to inform the public about this decision. He ignored the information with which he was provided. That indicated the large number of pre-1986 vehicles on the road, some of which cannot use E10 fuel. As a result of this inaction, we saw reports of 800,000 vehicles that are unable to use the fuel. Not surprisingly, given the fact that those older cars generally are owned by people on lower incomes, the prospect of paying for the much more expensive premium fuels caused a great deal of concern.

Making a decision six months out from a phase-out does not provide motorists with enough time to gear up for the change. There is still community concern that ethanol will damage vehicle motors, even though the truth is that mostly pre-1986 vehicles only will be affected. The Government needed to ensure that owners of these cars, which were designed to run on leaded fuel as well, had a reliable source of information about whether unleaded fuel would really be a problem for their vehicle. Labor recognises that many people still own pre-1986 vehicles, but we also recognise that over time there will be less and less of those cars. That is a desirable outcome for the owners and the community because these pre-1986 vehicles are by far the most polluting cars on the roads. But we recognise that it will take time and that any phase-out of normal unleaded petrol needs to take that into account. That is why we urged the Premier to change his position and we welcomed his complete backflip on this issue.

The Government's embarrassment over this issue is highlighted though by the fact that it now felt the need to introduce this bill. This is an unnecessary bill introduced only to make the Premier look like he is taking some sort of action. The existing bill already gives the Minister the power to postpone the phase-out for as long

as he wants. In fact, he could have made the regulation to do that weeks ago when the Premier first announced his backflip. There is no need to change this legislation. The Minister can use his discretionary power to postpone the phase-out. This is logical when you consider in particular that the Minister has requested the Independent Pricing and Regulatory Tribunal to undertake a review of the supply and demand issues associated with ethanol and biofuels in New South Wales, which is to publish its report next month.

That is why the Labor Opposition supports the Government postponing the mandate phase-out using the discretionary powers that the Minister currently has as provided by the Act. Labor will not support this bill because the Minister should do this using the regulatory powers in the Act. Labor supports delaying the phase-out of unleaded petrol but believes one day when it is appropriate, it may still happen. We take that position because we support biofuels, we support cleaner air and we advocate less dependence on imported fossil fuels. Labor is the party that supported the biofuel industry in New South Wales consistently. The Nationals like to say they did before the election, but now we see the reality.

Mr KEVIN CONOLLY (Riverstone) [5.31 p.m.]: I support the Biofuels Amendment Bill 2012. It is with some disappointment that I listened to the speech of the member for Liverpool and it will also be with some disappointment that the motorists in western Sydney hear of his stance in attempting to prevent them from being able to buy fuel at an affordable rate. I must refute most vehemently the suggestion that there have been leaks and deliberate campaigns of undermining from this side of the House from either the Minister or anybody else associated with this decision. This decision has been based purely and simply on responding to the needs of the community, respecting that the people of New South Wales have a right to buy fuel at an affordable price and need not be penalised unnecessarily by removing something on which they rely.

This bill is a clear indication that the Liberal-Nationals Government is listening to the people of New South Wales by remaining committed to ensuring that cheaper, cleaner and greener fuel is available for all motorists across the State. We are supportive and in favour of cheaper, greener, cleaner fuel. We support ethanol being part of the response to the challenges we face in terms of our environment and in terms of our energy supply. The primary amendment of this bill removes the requirement on primary wholesalers in the Biofuels Act 2007 to not sell regular unleaded petrol unless the petrol is E10 from 1 July 2012. That particular requirement of the Biofuels Act 2007 was punitive in nature, it prevented people doing something that perhaps was never necessary to achieve the goal that we all would agree with, which is the greater use of cleaner fuel. We are retaining the 6 per cent volumetric measure for ethanol so that there will still be a need for wholesalers of petrol to demonstrate that they are meeting that requirement.

As has been noted, biofuels are made from renewable biological feedstock, either crops or waste, and in the case of New South Wales, primarily from waste. That is a wonderful situation. We are looking at a product that would otherwise be of no use, it is not detracting from the food supply that we so desperately need for ourselves and for other nations, and we are able to provide energy, provide a fuel source from something that would otherwise be a simple waste by-product. That is clever technology. That is something to be encouraged and that is something that the New South Wales Liberal-Nationals Government is most firmly behind. While most cars made after 1986 have been designed to be compatible with E10 fuel, there are vehicles that are not compatible. The first is that group of approximately 100,000 vehicles made before 1986 that are still on the roads of New South Wales and that require ethanol-free petrol. A group of approximately 700,000 vehicles made between 1986 and 2004 has not been designed to use it either.

Something in the order of 90,000 motorcycles and 100,000 boats would be disadvantaged or inconvenienced by this proposal and the owners of those vehicles would have difficulty sourcing petrol appropriate for their vehicles. As a result of this bill, up to approximately one million New South Wales motorists will not be forced to pay a premium price for petrol because of an arbitrary decision made in the Biofuels Act in 2007. As a result of this amendment, people will still have the choice of whether to buy cheaper E10 fuel if it is appropriate for their vehicles; if not they can decide whether to use regular unleaded petrol or premium—a choice that would otherwise have been denied them.

The New South Wales Government remains committed to investing in renewable energy and that is why the 6 per cent ethanol mandate will remain in place for petrol. This mandate will also play an important role in creating jobs in regional New South Wales. We have heard, quite rightly, that producing ethanol from waste products, whether it be flower- or sugar-based agricultural products, can create jobs and create prosperity in regional parts of New South Wales that would otherwise be unavailable to us. It is an energy source and an industry to be encouraged. By promoting the 6 per cent volumetric target, we create the incentive and the

requirement for industry to invest in that technology to ensure that those jobs remain in New South Wales. The New South Wales Government had scheduled an increase in the biodiesel mandate from 2 per cent to 5 per cent, but that has been suspended due to an insufficient number of producers.

At present, with only one local producer of biodiesel, Manildra, the 2 per cent mandate is being met as a result of imports from interstate and overseas. We must continue to work in that field and we will progressively monitor that situation with the intention that in time the target will be able to be lifted as local suppliers of biodiesel come online. At the moment that is not the case, so the 2 per cent mandate is all that will be in place. This Government recognises that biofuels will play an important part in any clean energy future and that it is critical we become more self-sufficient as fossil fuels are a finite resource. Perhaps 25 years ago Australia was producing much more of its own fuel than is currently the case. As the available fuel stocks in Bass Strait and elsewhere diminish, it is important that Australia finds other sources of fuel, and this is certainly one of those that should be pursued.

It is disappointing that Labor is not going to support this bill, because in not doing so it is turning its backs on ordinary working people across this State, and in particular in my area and that of the member for Liverpool, the people of western Sydney, who will be most disappointed to hear that it is Labor's view that they should be forced to pay for premium fuel. The people in western Sydney are aware of price. Purchasers of fuel are very price sensitive. I noticed a report in the media in the last week that more people in western Sydney top up compared to people in inner-city areas. I suspect it is not just because they prefer to buy fuel on the run, but because they cannot afford to fill up the whole tank.

They look for the days when the fuel price drops and if they are driving past a service station when it is cheaper, they will top up at the cheaper rate because they are budget conscious. Those very people, the ones that that media report was about, will be disadvantaged if we do not proceed with this amendment because they will no longer be able to do that. It is important that the New South Wales Government listens to people; particularly the battlers like those in western Sydney who want this choice available to them. This bill is important and of benefit to New South Wales. It may contain only some small amendments to the Act but they are necessary ones that respond to the needs of real people. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [5.39 p.m.]: I speak to the Biofuels Amendment Bill 2012. We have another backdown. The O'Farrell Government has demonstrated once again that when the going gets tough, the tough are not on the frontbench. It seems that any group with enough money capable of stirring up enough noise can change this Government's mind. This Government is so bereft of conviction that all it takes is a Cabinet leak to overturn a policy. I draw the attention of the House to a recent report in the *Sunday Telegraph*, "What's (not) doing in New South Wales?" The report was an illuminating glimpse into the inner workings of the O'Farrell Government. When asked what was on its agenda for 2012—

Mr Andrew Gee: Point of order: My point of order relates to relevance.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! At this stage it appears that the member is doing nothing more than attacking the Government. I ask the member to make her speech relevant to the legislation. I remind the member for Kogarah that the Chair is the one who gives instructions in the House. If she wishes to contribute to the debate, she can do so by the normal process.

Ms TANIA MIHAILUK: When asked what was on the 2012 agenda O'Farrell Government Ministers provided some truly remarkable responses. My favourite came from the office of the Minister for the Environment, and Minister for Heritage, which provided such hits as "Logging benefits koalas." When asked about the Minister's plans for 2012 it responded, "We're still finalising plans, crossing Ts and dotting Is."

Mr Kevin Conolly: Point of order: Just a moment ago you ruled that the member should return to the leave of the bill. I do not know whether she has indicated which bill she is talking about.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I point out to the member for Bankstown that at the moment her comments and quotations have absolutely no relevance to the legislation before the House. The member will return to the leave of the legislation.

Ms TANIA MIHAILUK: This Government was elected on a mandate to fix New South Wales, but 10 months later it appears that it is running out of things to fix. New South Wales Labor has long supported the biofuel industry in this State. Biofuels have many benefits for New South Wales primary producers and provide

great benefit for the rural economy. Given the record number of those supposed champions of rural and regional communities in this Chamber, The Nationals, one would expect that the New South Wales Government would recognise the value of the biofuel industry.

However, it would appear that either The Nationals do not care about rural and regional New South Wales or the O'Farrell Government does not care about The Nationals. The question remains: Why did the Government introduce this legislation? The Act adequately provides for the Minister to postpone the phase-out of unleaded petrol for as long as he deems necessary. While Labor supports the phase-out, right now many motorists who rely on older model cars could end up paying more if forced to switch from regular unleaded petrol. We support eventually phasing out pre-1986 vehicles but this should happen with the least impact on the community. The majority of people driving pre-1986 vehicles do so not by choice.

Mr Tony Issa: They have no option.

Ms TANIA MIHAILUK: That is what I just said: they do so not by choice. We do not want to disadvantage the most vulnerable members of our community. The Government has chosen to overreact. Rather than use the regulatory powers already available to the Minister to delay phasing out regular unleaded petrol, the Government has introduced this legislation to give the perception of swift and decisive action. This is the front from a Government that has shown itself to be all spin and no substance.

Mr STEPHEN BROMHEAD (Myall Lakes) [5.43 p.m.]: I contribute to debate on the Biofuels Amendment Bill 2012. The object of the bill is to amend the Biofuels Act 2007 to remove the requirement, which was to have commenced on 1 July 2012, for primary wholesalers selling regular unleaded petrol to ensure that that fuel contains E10. The term "E10" is defined in the bill to mean a petrol ethanol blend that contains between 9 per cent and 10 per cent ethanol by volume and complying with the Biofuels sustainability standard. The bill also makes a consequential amendment to the Biofuels Regulation 2007.

In 2009 the Biofuels Act 2007 was amended to require a primary wholesaler not to sell regular unleaded petrol unless the petrol was classified E10. This requirement was due to commence on 1 July 2012. This bill amends the Act to remove this requirement. The Government took this step because The Nationals and the Liberal Party in government listen to the community. That is why we had the greatest winning election result in history on 26 March 2011. The Nationals and the Liberal Party are looking after Struggle Street—the workers and the hardworking people trying to make a decent living in New South Wales—unlike Labor. The member for Bankstown referred to the media. Let us look at what is in the media. The former Labor heavyweight and former Australian Labor Party President, Senator Steve Hutchins, said:

> The ALP brand is terminally damaged and the party under John Robertson is now a depleted husk of an Opposition.

Mr Robert Furolo: Point of order: My point of order is relevance. You have ruled in this very debate about the importance of relevance to the issues. I ask that the member be drawn back to the leave of the bill.

Mr Stuart Ayres: To the point of order: I just want to know whether Lamborghinis take E10.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! That is not a point of order. The debate is wide ranging and I am disappointed that the member for Bankstown set a fairly low level in attacking Government members rather than debating the bill. The member for Myall Lakes does not have to go to that level. I ask him to address the bill and not respond to interjections from those opposite.

Mr STEPHEN BROMHEAD: After listening to the community we decided to quite rightly amend the legislation Labor introduced years ago. We listened to the community, particularly in areas of lower socioeconomics, such as Myall Lakes, where older cars are common and workers use mowers and chainsaws and in places like Forster-Tuncurry where boats and other marine devices use regular unleaded fuel. By amending the legislation we are bringing choice to the people, unlike those opposite after four of the most shameful years in its history, as described by the Labor heavyweight and former Australian Labor Party President. The former husk and shameful group sits opposite trying to tell us what we should do with the legislation. It is a bit like a *Monty Python* skit with the two knights in battle, one lopping of the other's legs, arms and head. All that remains is the head squeaking and yabbering as the other knight rides off. That is Labor—a bodyless head that is all talk and no substance.

Labor lost its credibility many years ago. The people of New South Wales spoke on 26 March saying, "We've had enough. We don't want any of it." Rather than attack a Government that is trying to do something,

one would have thought that those opposite would be worried about how they would regain some credibility and know where they will be in four years. Not listening to the people and not reacting to what the community wants means that Labor will go nowhere and will be just a bodyless head on the ground. The bill was amended because the people did not want this change imposed on them. They wanted choice and we listened. The bill amends the Act to remove the requirement Labor introduced in 2007 for primary wholesalers selling regular unleaded petrol in New South Wales to ensure it contains E10. The bill also makes a consequential amendment to the regulations. The bill does not change the requirement for volume sellers to ensure that ethanol makes up not less than 6 per cent of the total volume of petrol sold.

These changes will ensure that regular grade unleaded petrol remains available for older vehicles, boats, small engines, lawnmowers, chainsaws and other tools used in businesses, as happens in my working electorate. At the same time it is increasing biofuel demand and supporting increased biofuel production in New South Wales. The Government is supporting that industry because it employs so many people in regional New South Wales. As this industry expands in the future it will employ more and more people in regional New South Wales. I know that those in the Opposition do not care about regional New South Wales. For 16 years they disregarded regional New South Wales.

Mr Andrew Gee: What is Country Labor?

Mr STEPHEN BROMHEAD: I have no idea. Even when there was a Country Labor nobody knew what Country Labor was.

Ms Tania Mihailuk: It's the same old speech.

Mr STEPHEN BROMHEAD: This Government does not have 16 years of corruption, scandals, and incompetence on its record.

Mr Robert Furolo: Point of order: The Chair has ruled during this member's contribution that he should confine any comments to the bill. I ask that the member be reminded of the ruling or he could be seen as canvassing the ruling.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I remind the members opposite—the member for Lakemba, the member for Cabramatta and the member for Bankstown—that if they continue to interject the member for Myall Lakes will respond. If the members want to get through this debate quickly they should make their contributions in the normal manner when the opportunity arises. The member for Myall Lakes will return to the leave of the bill.

Mr STEPHEN BROMHEAD: I was responding to an interjection from the member for Bankstown commenting that it was the "same old speech," so I decided I would give the same old speech. For 16 years the former Labor Government did not look after regional New South Wales or listen to regional New South Wales. This Government has listened to regional New South Wales and that is why this Government has amended the legislation. The people in regional New South Wales are not ready for the existing legislation. The things that the member for Bankstown comes out with are outrageous. The member for Bankstown has the hide to sit opposite laughing and showing total disregard for people in western New South Wales and regional New South Wales—the battlers and workers. The member for Bankstown has lost touch with the community, which is typical of the Labor Party in 2012. The Labor Party has lost it roots and the basis of its party, which is why this Government has introduced this bill. I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [5.52 p.m.]: I am proud to speak on the Biofuels Amendment Bill 2012, a bill that demonstrates this Government's intention to govern in a manner that is both balanced and considered. It is a bill that recognises and responds to the imperatives of both the present and the future. The Biofuels Amendment Bill will introduce changes to the Biofuels Act 2007 by removing the previous requirement for all primary wholesalers within New South Wales to sell only E10 unleaded petrol from 1 July of this year. This initiative, which was brought in by the former Labor Government through the Biofuel (Ethanol Content) Amendment Bill 2009, would have meant that motorists would have pay a higher price for premium grade petrol or suffer the consequences of using E10 petrol with incompatible engines. Through the Biofuels Amendment Bill the Liberal-Nationals Government will allow for the continued diversification of options available to New South Wales motorists. We believe that giving choice back to the people of New South Wales is an important feature of this bill. It will safeguard individuals and families from further financial burdens at a time marked by high costs of living.

The Biofuels Amendment Bill 2012 demonstrates the importance this Government places upon delivering well thought out and comprehensive legislation. This characteristic is exhibited in the legislation, which includes amendments that are designed to support an efficient and sustainable ethanol industry whilst also ensuring the people of this State are not impeded or detrimentally affected. Members on this side of the House have learnt from those opposite what can happen when a Government does not listen to the needs of the people. The previous Labor Government became detached from the New South Wales population and this became particularly apparent during its final years. This Government, however, is determined not to commit the same mistakes and not to isolate the very people we represent. It is for this reason that we have identified the detrimental impact that the Biofuel (Ethanol Content) Amendment Bill 2009 would have had on the people of New South Wales and have proactively chosen to amend the legislation before these impacts were felt within our communities.

When it was announced that the previous Labor Government's amendments were expected to come into effect in July of this year many voices within my own community became loud and clear in their opposition to the proposed legislation. I received numerous calls and visits from residents who were concerned about the effects of requiring all unleaded petrol to be E10. Many of these concerns centred upon the already high cost of living. People in my electorate of Wollondilly were concerned that the introduction of this requirement would add to the pressure and stress felt among many individuals and families, and exacerbated by the Federal Labor Government's carbon tax that the Prime Minister and her "band of merry men" have imposed upon Australia. This stress would stem specifically from the significantly higher prices they would be compelled to pay if their cars were unable to run on E10 fuels. This is a factor that must be considered for other machines that require regular E10 unleaded petrol such as some motorcycles, trailers, boats and small engines. As the Minister outlined for us last week, this impacts approximately one million owners.

It has been highlighted that it was those most vulnerable in my community, those who were unable to purchase newer more expensive models of cars, who would be hit hardest by this requirement. The very people who have been doing it tough in my community for too long would not have been able to afford another blow to their budgets. These people are not only in my electorate, they reside across the State in south-western Sydney and in the electorates of Camden and Campbelltown. It is these most vulnerable people in our State whom the Government cannot forget. The Government has been entrusted to this position by our communities and we must remember that with this privilege comes the responsibility to ensure that we stand up for the people who gave us the opportunity to be here. The Government must also remember that the people of New South Wales entrusted the Government to look after the wellbeing of this State, and all that it is made up of, which includes the environment upon which we depend. It is because of this dual responsibility that this Government and the Minister for Energy and Resources has developed a dynamic bill.

The Biofuels Amendment Bill 2012 does not respond solely to the needs and interests of the communities members represent. It also responds to the need to support the biofuels industry in order to secure a sustainable and positive future for everyone. This has been achieved specifically within the bill by upholding the 6 per cent ethanol mandate. This mandate will provide for continued encouragement of the biofuels industry by necessitating that the primary petrol wholesales must reach a minimum 6 per cent sale of ethanol as a proportion of their total sales within the State. These provisions will not only encourage the reform of the biofuels industry for the betterment of the environment by promoting ethanol as a viable alternative fuel but it will also contribute to job creation within the biofuels industry. Job creation is something that has always been important to me and it pleases me to see that it is also a priority for this Government.

In line with job creation, the Government has supported the industry by including in the amendment the provision for the Minister to grant E10 exemptions for marinas and small businesses that are facing hardship. At the moment many businesses are doing it tough. Furthermore, the Government has recognised the concerns that may be associated with the reforms and has subsequently requested that the Independent Pricing and Regulatory Tribunal hold an investigation into and report on the available production capacity and supply required to meet the 6 per cent volumetric ethanol mandate. These provisions contribute to the strength of this bill and ensure that the Government delivers dynamic legislation that takes into consideration the many important factors surrounding the bill. I commend the Minister for getting the balance right, and listening to the people of my community of Wollondilly and people across the State. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [5.59 p.m.]: I speak on the Biofuels Amendment Bill 2012. New South Wales Labor and the former State Labor Government have always been champions of the biofuels industry in New South Wales. During our time in government we supported the biofuels industry by introducing legislation to gradually commence a mandated percentage of ethanol in the sale of petrol in New South Wales.

We set up the Office of Biofuels in the former Department of State and Regional Development, and then the Land and Property Management Authority, and we had open dialogues with all the petrol producers from the big companies like BP and Shell to the smaller, independent sellers. New South Wales Labor's support for the biofuels sector is three-fold. First, a strong biofuels industry in New South Wales creates jobs; enormous plant needed to produce ethanol and for it to be blended to create E10. Secondly, biofuels improve air quality for all of us. Thirdly, and importantly, biofuels reduce our reliance on non-renewable imported oil.

The former Labor Government put through the Houses legislation that maximised flexibility. Mechanisms were included to delay implementation for several reasons, including the capacity of industry in New South Wales or Australia to supply petrol companies with the mandated amounts, and to minimise negative impacts and maximise positive benefits for consumers and retailers. In New South Wales the production of ethanol comes mainly as a by-product from the production of starch from wheat. Contrary to some beliefs, the production of ethanol does not compete with food supply. In fact producing another product from grain can only benefit our agriculture sector. Ethanol can also be produced from sugarcane, and the next step is to derive it from wood chips and forest waste.

A criticism of ethanol, as I have already stated, is that it can compete with food supply depending on what products are used to derive it. For example, in North and South America ethanol is derived from corn. I can inform the House that in New South Wales no corn is used in the production of ethanol. It is a fact that not all of the New South Wales vehicle fleet can use ethanol as part of the fuel source. The age of our fleet is the main factor here, and that is why the former Labor State Government left flexibility provisions in the original legislation. The objective was to gradually phase out unleaded petrol but delayed implementation so as to minimise effects on many drivers.

In late 2010 it became apparent that ethanol production in New South Wales would not meet the 6 per cent mandate that had originally been scheduled to come into effect at the start of 2011. In this light, and to avoid importing ethanol just to meet the mandate, the percentage increase from 4 per cent to 6 per cent was changed to apply from July 2011 and the complete phasing out of unleaded petrol by July 2012. These measures were a considered response from a responsible Government. That is unlike this current O'Farrell Government in which the resources Minister is sieving information from Cabinet. The Premier ignored information provided to it, to the detriment of the owners of the reportedly 800,000 vehicles that are unable to use the fuel. There was no dialogue from this Premier, no community campaign to let drivers know—just some heavy-handedness from an uncaring and incompetent Government. Let us not forget these older generation cars are predominantly owned by pensioners, the elderly and people on comparatively lower-level household incomes. Leaving them with the prospect of having to pay for higher grade petrol was an uncaring move from this O'Farrell Government.

As I have said, the legislation introduced by the former State Government was designed with maximum flexibility in mind. That is why the postponement of the phase-out can be carried out in regulations under the Act. This bill is therefore unnecessary. Putting this amendment of the Act before the House is just more smoke and mirrors from an untrustworthy Government, which is trying to pretend to the people of New South Wales that it is taking strong and firm action. The Labor Opposition cannot support a bill that is designed to pull the wool over the eyes of the people of New South Wales. The Minister has the power to make the necessary changes by making regulations under existing legislation. That is what he should do. It is with great sorrow that I have to say that this is probably one piece of legislation that the Opposition opposes.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [6.04 p.m.]: I welcome the opportunity to speak on the Biofuels Amendment Bill 2012. The bill will amend the Biofuels Act 2007, which was enacted by the former Government. That bill was enacted to support the production of renewable biofuels, and included provisions requiring primary wholesalers to include between 9 and 10 per cent ethanol in regular unleaded wholesale fuel, by volume. This fuel is known in the Act as EI0, and the majority of fuel retailers are already selling EI0 to New South Wales motorists. The sections in the Act requiring wholesalers to sell E10 were scheduled to commence on 1 July this year. It was thought by the former Government that this was enough time for the industry to prepare for the change. It was not.

The original Act was introduced into Parliament in 2007. I note that since that time the average cost of fuel in Sydney has increased by more than 12¢ a litre, according to the fuel monitoring website Motormouth. The then Minister for Climate Change, the Hon. Philip Koperberg, recognised in his agreement in principle speech in 2007 that vehicles produced prior to 1986 were not able to use ethanol fuel. As the Minister for Resources and Energy, the Hon. Chris Hartcher, pointed out in his recent agreement in principle speech, approximately 100,000 vehicles produced prior to 2007 are still on New South Wales roads. Furthermore,

around 700,000 vehicles made between 1986 and 2004 were not designed to use ethanol fuel. There are also up to 90,000 motorcycles and 100,000 trailer boats that cannot operate on ethanol petrol. That all of those vehicles are not able to use ethanol fuel is a fact that the former Government failed to address.

Currently, in Sydney the price of the next higher octane level of petrol, called premium unleaded petrol, or PULP 95, is around 13¢ a litre more expensive than standard petrol. Therefore, the Act introduced by Labor in 2007 would compel the owners of more than 800,000 New South Wales vehicles that cannot handle ethanol to pay at least 13¢ more per litre for their fuel. To this Government, that is an unacceptable outcome for the community. For many motorists and families, this would be a harsh burden on their budget. The cost of living has increased over recent years. The current inflation rate is just over 3 per cent. To that, we would be adding a further impost on the cost of living of those who are struggling to pay their bills.

The Australian Bureau of Statistics shows that the cost of food and non-alcoholic beverages increased by 6.4 per cent in the period between September 2010 and September 2011. For many families that rely on their cars and other vehicles to get to work, to take their children to school or to enjoy their lifestyles, an additional 13 per cent increase in fuel costs could put them in financial difficulty. The Government will not allow that to happen. At this point in time, the O'Farrell Government believes that would be an unacceptable outcome for families with a vehicle that cannot accept ethanol and therefore are forced to pay higher fuel costs. That is why the Government is amending the Biofuels Act 2007 to remove the requirement that wholesalers offer E10 as regular unleaded fuel from 1 July 2012.

In doing so, it is the Government's intention to relieve the cost-of-living pressures on motorists and families. However, we are not giving up on our commitment to work towards a secure and affordable clean energy future. That also is a priority of this Government. We are ensuring that the 6 per cent ethanol mandate will remain in place. The mandate ensures that the amount of ethanol that wholesalers are required to meet out of their total volume of sales in New South Wales is 6 per cent. That requirement also ensures that the ethanol industry will continue to develop, providing economic activity and jobs for those in regional Australia. Not only that, but encouraging ethanol use in New South Wales relieves our reliance on petrol produced overseas. We all know about the international factors that are currently impacting on the suppliers of crude oil. As the Minister for Resources and Energy pointed out, more than 82 per cent of the crude oil used in New South Wales is imported from oil-rich countries. Supply-side impacts occurring overseas and political tensions result in price fluctuations in petrol here in New South Wales, which impact our community.

By continuing to encourage ethanol production the Government is ensuring that we develop less of a reliance on foreign-based fuel sources and that motorists and families in our community become less susceptible to price rises forced upon them by changes in supply dynamics overseas. Not only are we currently reliant on oil importation but the Government also acknowledges that fossil fuels are a finite resource. That is another reason why we need to grow the biofuel industry in New South Wales. We are planning for a clean energy future. In order to further encourage the industry, the Government has instructed the Independent Pricing and Regulatory Tribunal to conduct a review of the production capacity needed to meet the 6 per cent mandate.

By reviewing the industry's production capacity and by retaining the 6 per cent mandate the Government hopes to encourage more competition in the market, which will lead to lower prices for consumers and more jobs for New South Wales, particularly in regional areas where jobs are needed. This bill is a sensible and appropriate response to concerns about cost-of-living pressures, which would have been created had the requirement for wholesalers to offer only E10 as regular petrol been maintained, as proposed by the former Government. The O'Farrell Government is committed to relieving cost-of-living pressures where it can.

This is an important task, given the financial turmoil occurring not only in Australia, which is subject to international financial markets, but of course also in Europe. The debt incurred by many European nations will be worked out but will be felt by us here in New South Wales. We are committed to rebuilding the economy in New South Wales. The amendments made by this bill ensure that motorists driving cars not suitable for ethanol can maintain their buying power and activity in the broader economy without being forced to pay around 13 cents more for petrol. The Government will continue to review the ethanol industry and focus on how we can introduce sensible measures that relieve our reliance on fossil fuels and imported oil. However, these measures must be affordable to New South Wales residents and to the economy. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [6.12 p.m.]: I speak on the Biofuels Amendment Bill 2012 and will give some substance to the debate, unlike the diatribe given by the member for Myall Lakes attacking my

colleagues the member for Lakemba, the member for Bankstown and the member for Cabramatta. It was superfluous information. He should have known that he should have been speaking in debate on this bill, but one of his colleagues had to remind him, which is an embarrassment.

The purpose of this bill is to do one thing and one thing only: to stop the proposed embargo on unleaded petrol, which was to take effect on 1 July 2012 and would have made petrol-ethanol blend E10 car fuel the standard fuel type in New South Wales. The importance of removing the embargo on unleaded petrol is of paramount importance to many people in New South Wales but it is particularly important to residents in low socioeconomic households who are unable to buy new or relatively new cars. In his agreement in principle speech the Minister for Resources and Energy said that there are approximately 800,000 vehicles still on the road that would have been directly affected if the embargo took effect as scheduled on 1 July 2012.

The Minister said that approximately 100,000 vehicles manufactured before 1986 and another 700,000 vehicles manufactured between 1986 and 2004 are still on the road for which their owners would have had to use either E10 ethanol-petrol blend fuels or premium unleaded fuels. If the owners of those 800,000 vehicles chose to fill up their tanks with E10 fuels, most likely it would be to the detriment of their vehicle as the ethanol-petrol blend would be incompatible with the engines of their vehicles. Conversely, if the owners of those 800,000 vehicles chose the latter option and used premium unleaded fuel as their alternative that would increase the price those motorists would have to pay for fuel by, according to the Minister, 10¢ to 15¢ per litre or more.

Considering the increases in household bills, which the O'Farrell Government slapped on the residents of New South Wales within its first seven months in office, it is about time households finding it hard to make ends meet received a breather from this Government. Considering the recent increases in water and electricity prices it is about time the Government does something for those in the community who cannot afford to buy a new car or even to update their second-hand vehicle so that it can run on fuel with ethanol content. However, I have grave reservations as to whether this legislation is a result of careful planning by this Government or if it is just another sign of the Government playing populist politics.

The decisions the Government makes are not made because it has a vision for New South Wales—which was the Liberal-Nationals catchcry at the last election—but because of the pressure placed on the Government by the community and by the Leader of the Opposition. Members of the community unfamiliar with New South Wales politics could be forgiven if they were under the impression that Barry O'Farrell was a gymnast trying to qualify for the London Olympics, because the only constant the Premier has delivered to our community is backflip after backflip after backflip. First it was the backflip on proposed changes to the solar electricity pricing scheme, then it was the backflip on uranium mining, and then it was the backflip on the proposed changes to the foster carers allowance—and let us not forget the Government's stance on anti-bikie legislation. Now it is this backflip. This bill shows that the Government in its first year and in its first term is already put on notice by the community of New South Wales.

Mr JOHN SIDOTI (Drummoyne) [6.16 p.m.]: I support the Biofuels Amendment Bill 2012. The bill will remove the requirement, which was to have come into effect on 1 July 2012, for primary wholesalers selling regular unleaded petrol in New South Wales to ensure that it is E10. Nearly one million consumers across New South Wales will welcome the amendment, as will the many consumers that the member for Fairfield alluded to who live in low socioeconomic areas. Consumers will welcome this legislation because it allows them to continue to purchase unleaded petrol and they will not have to pay extra for premium unleaded petrol.

The former Labor Government introduced the Biofuel Bill 2007 and the Biofuel (Ethanol Content) Amendment Bill 2009 but, conveniently, the Opposition has forgotten that. The latter bill set out a timetable for all regular unleaded petrol in New South Wales to be converted to E10 and the legislation was due to take effect on 1 July this year. Through this amendment motor vehicles that are incompatible with E10 will still be able to use unleaded petrol. The 6 per cent ethanol mandate will remain in place to further develop the ethanol industry. This gives primary petrol wholesalers a target for the total volume of petrol sales. It also provides the State with greater self-sufficiency, given the volatile nature of crude oil supplies and their price. However, it seems only fair to nearly one million people that they will not be forced to pay extra for premium unleaded fuel for their vehicles.

Most new cars sold in New South Wales since the introduction of unleaded petrol in 1986 have been designed to be compatible with E10. Approximately 100,000 vehicles manufactured before 1986 are still on the

road. Additionally, 700,000 vehicles made between 1986 and 2004 use regular unleaded petrol but have not been designed to use E10. Up to 90,000 motorcycles and 100,000 boat trailers also require ethanol-free petrol. Many people will argue that ethanol-based fuel can cause damage to those vehicles. I think that is a furphy—and it depends on who one talks to. The member for Hawkesbury, Ray Williams, will swear by it. He will say that ethanol fuel fires up that 1934 tractor like there is no tomorrow and that the whipper snipper works fantastically well on ethanol-based fuel.

Not everyone can afford to fork out an extra 10¢ or 15¢ a litre for premium unleaded fuel. In the context of achieving a cleaner environment the Government is determined to invest in biofuels. They are an important part of a cleaner energy future and will create hundreds of jobs across regional parts of the State. Those opposite know nothing about that. In fact, many of them do not know where regional New South Wales is. There is a strong need to develop alternative fuels. Fossil fuels are damaging to the environment and will not last forever. Australia has become increasingly reliant on oil imports and it must stop. The ethanol industry in New South Wales has only one producer, the Manildra Group. The retention of the 6 per cent ethanol volume will support continued production of jobs in regional parts of the State and will encourage growth of the ethanol industry generally. This is an important aspect of the legislation and ties in with the Government's commitment to encourage growth in regional centres.

This amendment is important also to a great many people in this State. When the increases were advised earlier in the year I received many representations from my constituents who were worried that they would pay a lot more for fuel by being forced to move over to premium unleaded petrol. I am therefore pleased to report to my electorate that in its wisdom the Government has decided to retain the availability of basic unleaded. This is a caring Government that listens to its constituents, unlike those opposite. However, I strongly support the Government to encourage the growth of the ethanol industry in this great State. Biofuels are generally blended with petroleum and consist of crops or waste. The E10 planned for New South Wales contains 10 per cent ethanol and 90 per cent petrol. Even better news for motorists is that it is cheaper than basic unleaded petrol. I encourage as many people as possible to use the ethanol-based fuel. The environment will thank them.

My office received a number of phone calls from people who were angry about the suspension of unleaded fuel, and we listened. The key issue is that it was the previous Labor Government that placed this time limit on the introduction of ethanol. Independent service station owners and motorists in their thousands signed a petition in January this year calling on the Government to suspend the implementation of the restriction. At that time the industry argued that changing over to selling E10 was not a simple matter and would cost it some $270 million. This Government has listened to those concerns and I have listened to the concerns in my electorate. As I mentioned, a number of constituents complained when this announcement was made. I will read a couple of letters that I received on this subject. The first letter states:

> I was angry when government made unleaded harder to find years ago.

I think the writer was referring to those opposite. The letter continues:

> Banning unleaded petrol is an outrage.
>
> We do not want an uncaring government.
>
> I was happy to vote you in. I would like to keep voting for you.

He called on me to raise my concerns with the Minister. I listened. That letter was signed by Mr McGhee from Canada Bay. Another constituent said:

> Congratulations on your election win & may there be many more.
>
> I was hoping the new government might reconsider the compulsory E10 Petrol situation brought about by the ALP/Green alliance.
>
> Nissan tell me not to use E10 ever in my small car, if I go to Shell I have to fill up with expensive 95Octane. I have found other garages with the ordinary Leaded petrol. I am quite happy provided Leaded petrol stays although I can't use my 4c off coupon. I have 2 golfing mates. One won't use E10 in his falcon & the other used it in his Wippersnipper edger & it won't work so he uses Leaded. They both live in Abbotsford.

That letter is signed by Mr John Samuel. I reiterate there is a difference in the Government and Opposition definitions of listening. The definition of "listening" for those opposite is called a backflip. Those opposite have

no idea. They introduced policy years ago and then flip-flopped left, right and centre when it suited them. We have listened to the community. I encourage the ethanol industry. I also encourage our Government to keep its ears open and to keep listening to the constituency. If it does so we will be in government for a long time. I support this bill and commend it to the House.

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

REAL PROPERTY AMENDMENT (PUBLIC LANDS) BILL 2012

Bill received from the Legislative Council and introduced.

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

[*Acting-Speaker (Mr John Barilaro) left the chair at 6.25 p.m. The House resumed at 7.00 p.m.*]

PRIVATE MEMBERS' STATEMENTS

HAWKESBURY AND PENRITH FLOOD AND STORM DAMAGE

Mr BART BASSETT (Londonderry) [7.04 p.m.]: Tonight I inform the House of the recent flooding that has wreaked havoc on residents, farmers, shopkeepers and small businesses from small rural communities in the Hawkesbury and Penrith local government areas in my electorate. Over the years we have all seen images of floods that have been beamed onto our television screens as we watch the 6 o'clock news in the dry comfort of our living rooms, but no-one really knows the sheer terror and devastation that flash flooding causes residents who suffer not only physical damage to their homes, properties and businesses but also long-term mental effects caused by the terrible experience. The flooding may have been described by the media as "flash" and the physical manifestation indeed may well have been very quick, with water levels rising without any warning, but the economic, physical and psychological damage that remained after the waters receded as quickly as they rose will take years to heal.

I was caught in the flooding on Thursday evening while in transit between two parts of my diverse electorate and saw firsthand how rapidly events occurred. I was travelling from my electorate office at Werrington in the southern part of my electorate to attend the Hawkesbury Rural Fire Service Volunteer Recognition Awards in the northern part as the area's State member of Parliament. While I was driving along Castlereagh Road, the rains began, and so did the overflow of nature's elements and drainage systems in the area. The rain fell unrelentingly, and within a short space of time local creeks burst their banks and water rapidly flooded the unsuspecting communities of Yarramundi in the Hawkesbury local government area and the villages of Castlereagh and Londonderry in the Penrith local government area. There was also flood damage to areas in Kingswood, Werrington and Cranebrook in the Penrith electorate, which is represented by Stuart Ayres.

Early the next morning I inspected the damage left behind, spoke to residents who suffered damage and heard feedback from emergency services personnel on the ground to ascertain the action that needed to be taken to repair damaged infrastructure so that residents could access basic services that are essential in rebuilding damaged homes and businesses. I liaised with the mayors of Hawkesbury and Penrith—Kim Ford and Greg Davies—as well as the Federal member for Macquarie, Louise Markus, and my colleague the member for Penrith, Stuart Ayres. Elected representatives from all three levels of government worked together in an effective and professional manner to ensure that any issues requiring the attention or action from any level of government were communicated to the responsible council, Ministers, departments and agencies.

Following the immediate aftermath of the flooding, Stuart Ayres and I worked closely with the mayors and general managers of the two councils to ensure that issues raised by residents regarding damage repairs and clean-up operations were dealt with quickly. After lengthy discussions with key stakeholders, the two local government areas applied to be declared a natural disaster area. The Minister for Police and Emergency Services, the Hon. Michael Gallacher, made the natural disaster declaration for the area on 14 February in order to provide extra resources, support and assistance for adversely affected areas. The repair operation has only just begun for those communities. Since the floods I have made several visits to the area to talk to residents and assist wherever I can to help them rebuild their lives. This Saturday in the Londonderry Village the Penrith City Council is organising a barbecue so that people will be able to meet, talk about their issues and experiences, and rebuild our community partnership.

The Aussie spirit of mateship and support for our neighbours shone through in our community during the recent floods, with volunteers from the State Emergency Service, the Rural Fire Service and the general public coming out to help with the clean-up, helping residents to find temporary accommodation and providing basic everyday items, such as clothing and food. As a member of Parliament I say, "Thank you" to the men and women who volunteered their time and talents to perform essential tasks in a professional and diligent manner. Their efforts should never go unrecognised. In conclusion, I thank and acknowledge also the mayors, general managers and staff of Hawkesbury City Council and Penrith City Council as well as the staff from the offices of the Premier, the Minister for Police and Emergency Services, and the Minister for Primary Industries for their professionalism and quick responses to my inquiries on behalf of my constituents.

I offer my personal thanks to the Minister for Fair Trading, Anthony Roberts, for his assistance with issues that constituents were having with insurance companies. We all must take note of the insurance issues associated with floods. It seems that every time floods occur, there are continual issues with insurance companies. That needs to be rectified. I was pleased to assist residents in the Nepean and Hawkesbury valleys in their hour of need. I assure them that we will be there in the future to help them put their lives back together. Whatever needs to be done regarding flooding is yet to be addressed, but the councils are on board and will ensure that, if what went wrong can be rectified, it will occur. I thank everybody who was involved in resolving problems caused by the recent flooding.

ASHMORE DEVELOPMENT SITE, ERSKINEVILLE

Ms KRISTINA KENEALLY (Heffron) [7.09 p.m.]: Tonight a community group meeting organised by the Friends of Erskineville will be held to discuss local concerns about the Ashmore development site. The site is situated in Erskineville and is bounded by Ashmore Street, Mitchell Road, Coulson Street and the East Hills railway line. My office and I have been in regular contact with local residents. While I cannot attend the meeting tonight because Parliament is sitting late this evening, I am speaking in this House to support the Friends of Erskineville.

Many of the issues relating to the Ashmore development site are the responsibility of the City of Sydney council. However, there are State implications. The Friends of Erskineville tell me they are frustrated that the O'Farrell Government and the Minister for Planning are not listening to or addressing their concerns. In fact, the City of Sydney has at least recognised the concern in the community as represented by the Friends of Erskineville and extended the time for community submissions on the draft development control plan for the Ashmore development site from 22 January to 29 February. I draw to the attention of the House the issues that Mike Hatton, President of the Friends of Erskineville, raises on behalf of the group. Mr Hatton said:

> Whilst the proposed plan has been issued by the City of Sydney Council, the real 'elephant in the room' is the state planning department and the present government's announcement of its intent to take developments of this nature into the Premier's Department and place them under a committee in that department. It would appear that contrary to the election campaign statement that part 3A would be rescinded and control of development handed back to councils, the exact opposite is happening.

I remind the House that these are the words of the President of the Friends of Erskineville. Mr Hatton continued:

> Indeed, in response to a letter from the Lord Mayor, Clover Moore last November, Minister Hazzard has acknowledged a new proposal from the City but has not committed to acceptance of the proposal, nor has there been any statement (from the NSW Government) rescinding the original planning department demand for up to 19 storey apartment blocks, or a statement as to why the present proposal far exceeds the original plan drawn up under the South Sydney Council for a lower density development better suited to the area.

The Friends of Erskineville will make a detailed submission on the present draft proposal and tonight's community meeting will assist in the preparation of that submission. However, the group has already identified some of the key issues, which I bring before the House. By doing so, I give the O'Farrell Government the opportunity to take notice and respond to the Friends of Erskineville. The group lists the following as some of its key issues of concern. First, the plan calls for 3,200 or more apartments in what appears to be more than 40 apartment blocks. Secondly, building heights will be up to nine floors if accepted by the Department of Planning and Infrastructure, which will create shadowing. Thirdly, it is estimated that the site will accommodate over 6,000 people, which will effectively double the number of Erskineville residents. Fourthly, only 1,950 parking spaces will be provided and parking is already a major issue. Fifthly, the site is contaminated and requires cleaning up, which developers want paid for by increased building heights; and, sixthly, there is no plan for public infrastructure, including transport.

These concerns and the lack of the response from the Minister for Planning to representations by the Friends of Erskineville, as well as representations made by me on behalf of many Erskineville residents, has

prompted the group to convene a public meeting tonight at 7.30 p.m. at the Erskineville Town Hall. I will not be surprised if the Minister for Planning and the Government seek to blame all issues relating to this site on the former Labor Government—in fact, I predict that is what will happen. I say to the O'Farrell Government that it has been in power now for almost a full year and this matter has sat on the desk of the Minister with barely a response. The Minister has written to the Lord Mayor and has tried to sidestep the issue as if it has nothing to do with him. His failure to act is in fact an action: It is an endorsement of the current plan.

The residents of Erskineville are not fools and they will not be taken for mugs. They know that the O'Farrell Government is in office; now it has the decision-making power and it has decided to date to disregard the community's concerns. The residents of Erskineville know and remember what the Minister for Planning and Infrastructure and the Premier promised before the election—a return of planning powers to local communities. The Friends of Erskineville know this is not happening. Again, I remind the House of the words of the President of the Friends of Erskineville. He said:

> … the real 'elephant in the room' is the state planning department and the present government ... It would appear that contrary to the election campaign statement that part 3A would be rescinded and control of development handed back to councils, the exact opposite is happening.

Tonight I call on the O'Farrell Government to listen to what the locals are saying. Locals know their local area and take note of their issues. Answer the City of Sydney council and the residents who call for a new plan. Tell the people of Erskineville honestly whether they really will see development controls handed back to local councils as the O'Farrell Government promised or whether those were just hollow words which signify nothing.

MICHELAGO VILLAGE

QUEANBEYAN RELAY FOR LIFE

Mr JOHN BARILARO (Monaro) [7.14 p.m.]: On 23 June 2011 I brought to the attention of the House the plight of a very brave little girl by the name of Sophie Tillack from Michelago. Sophie was battling an aggressive cancer, stage 4 Wilms tumours. Unfortunately, it is with much sadness that I inform the House that Sophie lost her battle with cancer and passed away at home, surrounded by her family, on 9 February just days before her seventh birthday. Sophie will be sadly missed by her family, friends and the community of Michelago. I offer my deepest condolences to Sophie's parents, Ralph and Susan, and her brothers, Max and Patrick, extended family members, friends and all those who got to know Sophie.

Sophie's courage and spirit united a community. The best in people shone through at a number of fundraisers and was evident in the support that poured out for Sophie and her family. In what is a very sad time, and what was a long and testing period for all, Sophie's legacy will be how she brought out the best in people. Family, friends and strangers were all brought together by her plight, but more importantly by her fight. The service of thanksgiving and farewell at the Michelago Hall was beautiful, and gave us an opportunity to say our farewells to Sophie. As the service progressed the sky roared and opened with thunder and rain. To me, it represented the tears and sadness of the heavens for a young girl who was taken too early.

It is with Sophie's passing in mind that I also bring to the attention of the House the inaugural Queanbeyan Relay for Life, which was held last weekend. The Relay for Life is a 24-hour event run by the Cancer Council that involves teams walking or running around a track to raise money to find a cure for cancer. The Queanbeyan event was held at the Canberra Raiders old stomping ground, Seiffert Oval. One of the alarming statistics I heard over the weekend was that by the age of 85, one in two people will have been personally affected by cancer. This frightening statistic is something that we cannot ignore and more must be done to try to combat this disease. I pay tribute to the cancer survivors and carers who participated in the event. Their strength and determination in fighting their battles with cancer is nothing short of inspirational. Over the weekend I got the chance to talk to many carers and survivors, and others affected by those with cancer. The stories I heard will stay with me for the rest of my life.

The organisers should be highly commended for putting together such a professionally coordinated 24-hour event. The fundraising goal was to raise $40,000 but the Queanbeyan community raised $91,326.15, and still counting. I congratulate Queanbeyan and say, "Well done". In total, there were 369 participants and 26 teams. A number of the teams were local, including representatives from Queanbeyan City Council and some fitness clubs but also many people from a lot of the social clubs in Queanbeyan. Of course, for me, one of the standout teams was the Top Chicks, who raised over $13,000, and the Smurfs, who were the best-dressed team of the weekend.

I thank my team, Team Barilaro, which comprised Erin, Emma, Jessie, Romney, Henry, Alistair, Yasmin, Andy, Karen, Ian and Deanna, and especially my two girls, Alessia and Domenica. They put in a mighty effort throughout the 24 hours and raised $3,000. We had someone on the track at all times during the 24 hours. I add that I did not shirk from making a fair contribution, participating for 19 of the 24 hours. The toughest stint was my 3.30 a.m. to 10.15 a.m. nonstop effort on Sunday morning—one that I am proud of and that I dedicate to Sophie. As a parent, I could not imagine the anguish and pain I would feel if one of my girls was diagnosed with cancer. I hope my contribution over the weekend is an investment towards a world without cancer. I conclude with a reading from Sophie's service of thanksgiving and farewell:

You can shed tears that she is gone or you can smile because she has lived
You can close your eyes and pray that she will come back or you can open your eyes and see all she's left.
Your heart can be empty because you can't see her or you can be full of the love you shared
You can turn your back on tomorrow and live yesterday or you can be happy for tomorrow because of yesterday.
You can remember her and only that she's gone or you can cherish her memory and let it live on.
You can cry and close your mind, be empty and turn your back or you can do what she'd want: smile, open your eyes, love and go on.

LAKEMBA ELECTORATE POLICING

Mr ROBERT FUROLO (Lakemba) [7.18 p.m.]: I implore the Minister for Police and Emergency Services and the O'Farrell Government to respond to the pleas of my community to make our streets safer again. The people of the Lakemba electorate—the families, mothers, fathers, the elderly, students, and other hardworking men and women—simply want to feel safe and be able to walk home without being assaulted. My community was again confronted with news of a vicious and unprovoked attack on a young man who was doing nothing other than walking home at 9.00 p.m. An 18-year-old walking in Lakemba was set upon by 10 to 20 people, had his phone and other possessions stolen, and suffered serious stab wounds requiring hospitalisation.

Sadly, it is not the first such incident and I fear it will not be the last. I do not intend to paint my community as crime ridden and unfriendly—nothing could be further from the truth. We are a community of decent, hardworking people from many different backgrounds who live and work together, living the Australian dream: building a better life for themselves and making a better future for their families. However, a criminal element seeks to take advantage of the good nature of those who, for work or study reasons, need to travel home late in the evening.

Students, shiftworkers and young people returning from dinner or a movie should not be the victims of unprovoked and senseless attacks. For this reason, I have called for additional police resources in my community. In my capacity as the member for Lakemba I presented a petition to the Minister for Police and Emergency Services about the need for extra police in Riverwood. I also made a submission to the Parsons review in response to a request from the Minister to identify policing issues in my community. My submission highlighted various areas where additional resources are needed, and specifically referenced the need for greater police presence and patrols around train stations at night.

I have worked also with Canterbury City Council's Community Safety Committee which, under the leadership of Mayor Brian Robson, understands the fears and anxieties in our community and is working constructively to make it safer. But the time has come for the Minister for Police and Emergency Services and Premier O'Farrell to acknowledge the pleas of my community—the people of the Lakemba electorate—and finally deliver increased police resources to help make Lakemba safe again. Over the past 16 years former police Ministers have understood the strong wish and expectation of people to feel safe in their homes and streets. That is why during the past 16 years the Labor Government introduced the toughest police powers in the country. It is also why police were given additional and better equipment to do their job more safely and effectively.

That is also why we increased the strength of the NSW Police Force to more than 16,000 officers, making it the largest police force in the English-speaking world. That is why, under Labor, crime was stable or falling in all the major categories every year for the past decade. Under Barry O'Farrell, shooting incidents are out of control and assaults in my community are again on the rise. Please deliver more resources for Lakemba and help make my community feel safe again. The time has come for the O'Farrell Government to deliver the protection and safety that my community desperately needs and reasonably deserves. I cannot understand why the people of my electorate must live with a lower standard of community safety than those in other parts of this great State. My community should have the same expectations of safety and security that others seem to take for granted.

PALETTES AT PORTLAND

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.22 p.m.]: It gives me great pleasure to speak about a function I attended last weekend: the Palettes at Portland. There is a Roaring Twenties theme throughout the Blue Mountains, Lithgow and Oberon. Many activities and tourist events have been organised for those areas to highlight life in the 1920s, attracting many visitors to the region. Last Saturday I attended the Roaring Twenties All Jazz Ball at the Portland Crystal Theatre—a fitting place to host the event. Candelabra adorned the tables, beautiful chandeliers hung from the ceiling, bushes were strategically placed and the red carpet was laid out. The theatre was beautifully decked out to take us back 90 years to the 1920s, which I am sure the member for Wollongong would be familiar with. It was a time of economic prosperity, with lots of dancing and jazz, automobiles, moving pictures and radio. Unfortunately, that period ended with the Great Depression.

The Portland community will host three events over the next three weeks. The first was the ball. I congratulate the community and all the volunteers involved with organising the ball. One volunteer, Maree Statham, has been a member of the ball committee for the past 17 years. Last Saturday she announced that this year's ball was the last she would be involved with because she has decided to do other things. Maree is a remarkable lady and was chosen as one of four women in Australia to travel to Brisbane four times a year as part of the Young Entrepreneurs Forum. The Federal member for Calare, the Hon. John Cobb, also attended the ball. We were able to donate $5,000 to the committee, which will go towards purchasing new curtains for the hall and painting the conference room in the building. Other events over the coming weeks include a twilight dinner on 1 March and an art exhibition on 2 March. Local artist Garry Pettit will attend as guest artist. I congratulate the Portland community on the ball. It was wonderful to meet the volunteers who made the night so successful. I congratulate Maree Statham and wish the committee all the best for the future.

TRIBUTE TO BERNIE MULLANE, MBE, OAM

Mr DOMINIC PERROTTET (Castle Hill) [7.26 p.m.]: Tonight I pay tribute to Bernie Mullane, a former Hills shire president and councillor of Baulkham Hills Council, now known as The Hills Shire Council. Earlier this month, on 4 February, Bernie passed away aged 86. His life was a shining example of service and dedication to the Hills district. As a leader in our shire, Bernie will be remembered for his contribution to our community. Growing up in such a beautiful and peaceful area like the Hills, it is easy at times to take for granted the hard work and commitment of those who, through their leadership and vision, have made the Hills district what it is today. Bernie Mullane is one such person, dedicating most of his life to the service of others. Bernie Mullane married his wife, Margaret, in 1950 and moved to Baulkham Hills three years later, opening his first pharmacy, which later relocated to the Old Northern Road and then to Stockland Mall at Baulkham Hills.

Like many who moved to the Hills district, Bernie did not simply fall in love with the area; he felt a need to give of his time and assist those who were in need. Elected to council in 1959, Bernie became the deputy shire president and later president, from 1963 to 1983 and again from 1987 to 1991. The spirit and dedication with which he served the shire led him to become more affectionately known as "The Father of the Shire". It was a privilege to join Bernie's family and friends as well as local members of Parliament, including the member for Baulkham Hills, and other councillors in farewelling him at St Bernadette's Catholic Church in Castle Hill. Dr Peter Ferguson, a long-time friend of Bernie's, spoke of his devotion to his Catholic faith and his family and his desire to serve the public. Together, Bernie and Peter would often visit the racetrack either celebrating a win or drowning their sorrows. I am sure that with Bernie now upstairs Peter's luck at the races is set to improve.

It is a testament to the legacy Bernie leaves behind that so many people felt compelled to pay their last respects at St Bernadette's. He will be remembered as a generous, hardworking man who allowed nothing to stand in the way of progress and his goals. I have been told that it was not unusual to hear people refer to Bernie as the man who got things done—an attribute reflected in the legacy he has left behind. Earlier today one of my staff members asked me whether I felt awkward attending a funeral and paying tribute to a man I had never met. Whilst I never had the honour of meeting Bernie, I had the privilege of witnessing the fruits of his labour out and about in the Hills district. Under his leadership, The Hills Shire Council buildings were created along with the Hills Centre, which has become a valuable resource to our community, playing host to numerous events from citizenship ceremonies to school presentation evenings.

As a keen follower of everything sports, I know that Bernie would have been proud when in 2003 the Bernie Mullane Sports Complex in Kellyville was named after him. He also had a strong love for the Parramatta

rugby league football team—but we will not hold that against him. Bernie's work at the Hills council over 32 years was extraordinary. In 1968 Bernie's experience and expertise in local government was recognised when he was elected to the executive of the Local Government Association of New South Wales. He served on numerous State and Federal government committees, including the State Pollution Control Commission from 1976 and the environment department's Local Government Liaison Committee from 1978.

In 1972 Bernie was awarded the Member of the Most Excellent Order of the British Empire by Her Majesty for service to local government and in 1985 he became a Member of the Order of Australia. Further, he was a member of the national Australia Day committee and the New South Wales Bicentennial Council. Whilst the achievements in our local Hills community are arguably without compare, I am sure Bernie would consider that his greatest achievement was his family: his late wife, Margaret, and their children, Chris, Annie, Susie, Damian and Monica, and 10 grandchildren. Bernie was devoted to his family and I offer each of them my deepest condolences on their loss. Bernie Mullane lived his life in service to his community; he was a great example for us to follow. His devotion to the Hills shire, his family and his friends will be remembered as will his leadership and work throughout the Hills. The father of the shire will be missed but not forgotten.

Private members' statements concluded.

BIOFUELS AMENDMENT BILL 2012

Agreement in Principle

Debate resumed from an earlier hour.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.30 p.m.]: It gives me great pleasure to speak in debate on the Biofuels Amendment Bill 2012. I will not refer to the rhetoric that we heard from the Opposition. What can be seen clearly is that Labor not only has lost its way but also has lost its soul. The Labor Party no longer knows who it represents or what it stands for. This Government is representing the battlers of New South Wales and ensuring that people across the State in regional and rural New South Wales have a voice. This Coalition Government is pleased to listen to and fight for communities.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Wollongong to order. I call the member for Wollongong to order for the second time.

Mr PAUL TOOLE: The object of this bill is to amend the Biofuels Act 2007 to remove the requirement that was to have begun on 1 July 2012 for primary wholesalers selling regular unleaded petrol to ensure that it is E10. The term "E10" is defined in the Act to mean a petrol-ethanol blend that contains between 9 per cent and 10 per cent ethanol by volume, being ethanol that complies with a biofuel sustainability standard. The bill also makes a consequential amendment to the Biofuels Regulation 2007. This bill is a win for the motorists and independent service stations of New South Wales. This Government listens to the community, something that those opposite forgot to do for 16 years when they were in government. That is why on 26 March 2011 the Labor Party was sent a strong message, which indicated that the people of New South Wales were frustrated by the former Government's lack of concern and care for rural and regional areas. Members of the Liberal-Nationals Government who are living west of the mountains are now standing up for their constituents.

The Biofuels Amendment Bill will ensure that up to one million New South Wales consumers are not forced to pay unnecessarily for more expensive fuel. Consumers will continue to have choice; additionally, mechanisms are in place for a sustainable biofuels industry. This minor amendment delays the legislation, which was to begin on 1 July this year. Why has it been delayed? Because this is a Government that listens, has common sense and will raise issues with the appropriate Ministers to produce the changes that are needed on behalf of its constituents. Many cars manufactured prior to 1986 were designed to be compatible with E10 fuel. However, 100,000 vehicles manufactured before 1986 are still on the road and they require ethanol-free petrol. Additionally, 700,000 cars manufactured between 1986 and 2004, 90,000 motorcyclists and 100,000 motor boats use regular unleaded petrol. In the Bathurst electorate I met with constituents who were concerned about the introduction of the Biofuels Act. It was the former Government and The Greens who produced the policy.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Wollongong to order for the third time.

Mr PAUL TOOLE: This Government has overturned that policy as a matter of common sense. All members should be aware that electorates in regional and rural areas are not the same as electorates in

metropolitan areas: one cannot walk across the electorate in an hour. It takes me four hours by car to get from one end of the Bathurst electorate to the other. People who live in the Bathurst electorate have to travel long distances every day to get to and from work; they do have the luxury of public transport. Without the Biofuels Amendment Bill regional and rural communities would suffer the most. It is a sensible decision. Many regional and rural electorates such as Tamworth have big yards that require mowing, and mowers and whipper-snippers need petrol. People use chainsaws, which need petrol, to supply wood for wood heaters.

This Government is tending to the whole of the State, not looking for deals for its mates. This Government ensures that it represents all communities and looks after the battlers. The Liberal-Nationals Government is ensuring that when people go to a petrol station they have a choice and it does not mean that they have to pay an extra 10¢ to 15¢ per litre, as would have occurred if the Biofuels Act had been implemented on 1 July this year. This Government has made sure that the financial burden that would have been imposed on our constituents will not occur. People have a choice and that is the important thing. Under the former Labor Government we saw ineptitude, inactivity and infighting. It forgot to create policies that looked after the people of New South Wales. This Government is making the necessary reforms and changes that will benefit our constituents.

I say to the member for Wollongong that farmers and bus drivers who travel long distances have voiced their concerns about the possible increase in fuel prices. The Government is currently reviewing a revised exemption to the Biofuels Act framework. To address concerns about the supply of ethanol in New South Wales the Government has asked the Independent Pricing and Regulatory Tribunal to conduct an investigation and report on the available production capacity and supply required to meet the 6 per cent volumetric ethanol mandate. The Government has delayed the implementation of the Biofuels Act because it affects more than one million motorists as well as people who have mowers, whipper-snippers and chainsaws; and it will affect bus companies and people travelling to and from work. It is critical that we listen to the community. It is critical that we listen to our constituents. The New South Wales Government continues to secure an affordable and clean energy future. Investment in renewable energy is a key part in the vision of this Government, encouraging both regional development and creating jobs in New South Wales.

Ms Noreen Hay: When are you going to start?

Mr PAUL TOOLE: The former Labor Government introduced the Biofuels Act 2007. It is Labor's policy in 2007, along with that of The Greens, that the O'Farrell Government is overturning to restore common sense to this Parliament.

ACTING-SPEAKER (Mr Gareth Ward): Order! I remind the member for Wollongong that she is on three calls to order and that I will not hesitate to act if she continues to interrupt the excellent speech being made by the member for Bathurst.

Mr PAUL TOOLE: I was thinking about seeking an extension of time due to the time taken up dealing with interjections made by the member for Wollongong. I conclude by saying that I commend the Minister for Resources and Energy, the Hon. Chris Hartcher, and the Premier for their magnificent work in addressing the concerns raised by members and in correspondence and telephone calls that we have received from our constituents on this issue. It is good to see that a government is listening to the people of New South Wales and making decisions in the interests of all citizens, wherever they live.

Mr GREG APLIN (Albury) [7.40 p.m.]: I too support this bill and will reiterate some of the comments of my colleague from regional New South Wales, the member for Bathurst. The Biofuels Amendment Bill 2012 will remove the requirement, which was to have begun on 1 July 2012, for primary wholesalers selling regular unleaded petrol in New South Wales to ensure that it is E10. The Biofuels Act 2007 is intended to support the development of biofuels production in regional New South Wales. This is an aim that the Coalition supported when in opposition, and continues to support now in government. To encourage biofuels production the Act mandates progressively increasing volumetric requirements for both ethanol and biodiesel. The mandate applies to both primary wholesalers and major retailers, ensuring that consumers are able to access biofuels through the supply chains controlled by the major oil companies.

The ethanol mandate has led to approximately 40 per cent of our petrol now being E10—a significant penetration of a previously impenetrable market. The mandate for so-called first generation biofuels was intended to provide a viable industry base from which we could develop an advanced biofuels industry. This is all part of working towards a secure, affordable and clean energy future, with investment encouraging regional

development and creating jobs. We see that process happening right now at the Manildra ethanol plant at Bomaderry. Photobioreactors in the Algae.Tec Limited pilot plant at Bomaderry use water, sunlight and nutrients to grow algae that produce high-value sustainable fuels such as biodiesel and jet fuel. The algae also absorb carbon dioxide from Manila's ethanol fermenters—carbon dioxide that otherwise would contribute to climate change.

I digress for a moment to take the House back to 1968, when I was a young student living in the country now known as Zimbabwe. I and others went down to the lowveld region to have a look at a production plant in an area famed for cattle production and citrus, but also for sugarcane production. There we went through a factory, noting that, after the production of sugar and the various products obtained from sugarcane, the mulch ultimately was made into cattle fodder.

ACTING-SPEAKER (Mr Gareth Ward): Order! There is too much audible conversation in the Chamber. The member for Albury will be heard in silence.

Mr GREG APLIN: But between the production of sugar and the cattle fodder came the interesting production of ethanol. At that time ethanol was made into a fuel to supply the fuel market, which was subject to international sanctions. In fact, 20 per cent of fuel used by vehicles was ethanol. It is still the case in Zimbabwe that 20 per cent of fuel is ethanol. The interesting fact that I want to refer to, having mentioned carbon dioxide, is that the by-products included cane spirit, which was used as a base for many alcohols, and carbon dioxide, which was used to produce dry ice. That was back in 1968. When scaled up to commercial product, algae photobioreactors will be able to absorb the carbon dioxide from coal-fired power stations, and have the potential to replace significant proportions of our diesel and jet fuels.

The current level of ethanol consumption requires approximately 240 million litres of ethanol per year, which is still less than current approved production in the State. We therefore need to keep the pressure on the oil companies to distribute and market biofuels to reach the 6 per cent mandate. At 6 per cent, we will need about 360 million litres of ethanol a year, which will mean at least one new major ethanol plant. In the past three years the ethanol mandate has seen an investment of around $200 million in regional New South Wales, and a further $150 million is expected to be invested over the next 12 months. While regional New South Wales benefits from the opportunities of local ethanol production, many regional residents and businesses would be adversely impacted if regular grade unleaded petrol was no longer available. While premium unleaded petrol is not affected, we all know that it costs more.

Many regional residents have older vehicles and other equipment that requires ethanol-free petrol. Many regional residents have boats that require ethanol-free petrol. They buy petrol for their boats from service stations, not necessarily marinas. Service stations in border areas, such as where I live, would be unable to compete with those across the border if they could not obtain regular unleaded petrol. Many other service stations throughout regional New South Wales have ageing underground tanks that are not suitable for E10. As an example of this issue, let me illustrate a problem already facing regional operators in meeting the significant costs of conforming with the New South Wales Department of Environment, Climate Change and Water Underground Petroleum Storage System Regulation 2008. I received this letter from Mr Bruno Biti, of Biti Motors, based in Culcairn, only two weeks ago. He says about the regulations I just mentioned:

> I would like to protest at the costly requirement that is now necessary to comply.
>
> At our business in Culcairn we have 2 bowsers with 2 underground tanks installed new about 30 years ago.
>
> We are the NRMA service centre and as such we are called to help motorists stranded by lack of fuel.
>
> Our sales are minimal, about 15000 litres per month …

He goes on to explain the very small margin of profit from selling fuel, and continues:

> We have mainly persevered with fuel sales as a service to the community, and as a commitment to the long term availability of fuel in the town …

He says it is "hardly a business proposition to spend approximately $20,000" on an assessment on the upgrade of tanks to be compliant with the Act. No doubt the same would apply, because currently he does not serve E10 and would be forced to embark upon a costly installation of tanks. That is the sort of problem faced in regional areas. In that situation that community could be facing being without a service station. Regional residents

already pay more for their petrol, and a significantly higher differential for premium unleaded. For these reasons, regional residents would be heavily impacted by the requirement that all regular unleaded petrol be E10.

The Biofuels Act offers potential economic development in regional New South Wales. It offers possible new opportunities for farmers and foresters to produce feedstock for biofuels. But the requirement for all regular unleaded petrol to be E10 has too many unintended consequences. The Government believes that giving motorists choice is important, and the ban on regular unleaded fuels would have removed that choice. This legislation will ensure that motorists retain the choice between regular unleaded, E10 or premium—a choice that will assist in addressing cost-of-living pressures. This ban must go. It should be removed. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [7.47 p.m.]: I speak in debate on the Biofuels Amendment Bill 2012, which will ensure that motorists can continue to buy regular unleaded petrol. This Government will remain committed to promoting ethanol as a long-term alternative fuel that will create hundreds of jobs in New South Wales, but at the same time the Government is determined to do everything possible to assist families facing increased cost-of-living pressures and so will continue to allow the sale of regular unleaded petrol. I would like to pick up on a point made by the member for Albury, who made a good contribution to the debate, and recalled events in 1968. The member for Bathurst commented that he was not born then. I too am happy to say that I am not in that club. That said, I remember 1968 being a good year, with South Sydney winning the premiership and Rain Lover winning the Melbourne Cup.

ACTING-SPEAKER (Mr Gareth Ward): Order! The member for Camden will return to the leave of the bill.

Mr CHRIS PATTERSON: The member for Albury went on to talk about carbon dioxide. I am not sure of the context in which he made that reference, but a heck of a lot of that is vented in this Chamber daily. I thank the member for making that point. I commend the Minister and this Government for their understanding of the pressures that everyday families face. The whole purpose of this bill is to listen to the community and ensure that added burdens are not put on everyday families. Motorists already pay a lot for petrol, and forcing people into buying more expensive premium petrol to run their cars and other devices in this current economic climate is plainly unfair. The Government will not force people to do that. The bill will overturn the former Labor Government's laws, which would have made the sale of regular unleaded petrol illegal from 1 July 2012. Labor introduced a policy on ethanol that became a joke because it was never enforced, and the time has come to introduce a system that is fair to motorists, fair to those who have invested in the ethanol industry and fair to all associated industries.

Vehicles manufactured prior to 1986 that were designed to use leaded petrol are not compatible with E10, and approximately 700,000 vehicles on our roads that were built between 1986 and 2004 are also not compatible with E10. Some of those cars are Honda Civics, Hyundai Excels, Nissan Pulsars and Ford Lasers, which are popular models of cars that continue to be popular for people in New South Wales. Currently the big oil companies are running a scare campaign about ethanol because they want to push customers into buying more expensive premium petrol where the margins are higher, and with the uncertainty of the carbon tax almost upon us this Government has listened to the people about the impacts that the current legislation would have on their household budgets. This Government will continue to promote ethanol as a clean, viable, alternative fuel product that will assist regional areas and create jobs.

Maintaining the 6 per cent ethanol mandate will ensure that ethanol makes up at least 6 per cent of the total volume of petrol sold by volume sellers in this State. Growth in ethanol production in Australia has increased from 26.04 million gallons in 2007 to 66.04 million gallons in 2010. The great thing about the creation of jobs in this industry is that ethanol is renewable, meaning that it provides a reliable and long-term income for the people involved in its production in this State. Ethanol is used in many ways. I am told that one can drink it—obviously diluted—and that it is the same type of alcohol found in alcoholic beverages. It can be used in food and other manufacturing and it can be blended with petrol to make a truly sustainable and renewable transport fuel. Bioethanol, or simply ethanol, is an alcohol that is made by fermenting the sugar and starch components of plant materials by using yeast such as saccharomyces cerevisae, which assists farmers in creating crops for the supply of the plants required to make the fuel.

Ethanol can be used as a fuel for vehicles in its pure form as a replacement for gasoline, but it is usually blended with gasoline so as to improve vehicle emissions. My wife, Vicki's, car and my car run on

ethanol-blend fuel and we both use it in our cars. We are fortunate when we pull into a petrol station that we have a choice about the fuel we use, which gives us the opportunity to save some money. I can only imagine how unfair it would be to the people in our communities who, for whatever reason, have a vehicle that cannot run on ethanol-blend fuel from 1 July whose only option was to purchase premium unleaded fuel.

They quite rightly would have felt that they were given no alternative to save some money, as my wife and I can when filling our cars with petrol. This bill will ensure that regular grade unleaded petrol remains available for vehicles, boats and small engines that cannot run on ethanol. I thank the extremely hardworking Minister for his concern for New South Wales families and I commend him for looking out for anything that saves families money in their daily budgets. I commend the Minister and the Government for taking this proactive step in ensuring that people have a choice at the bowser and that the hundreds of thousands of cars on the road remain roadworthy and able to be used. I commend the bill to the House.

Mr TONY ISSA (Granville) [7.55 p.m.]: I support the Biofuels Amendment Bill 2012. This Government gives people the opportunity to choose what fuel they use in their cars. The Government believes in consultation. I have had a lot of consultation with the industry, especially the motor industry, and I have been told many times that not every car can be run on ethanol. Biofuels have been around for as long as cars have been around. At the start of the twentieth century Henry Ford planned to fuel his Model T cars with ethanol, and early diesel engines used to run on peanut oil. But discoveries of huge petroleum deposits kept gasoline and diesel cheap for decades and biofuels were largely forgotten. However, with the recent increased price of oil the popularity of biofuels has returned. I was surprised to hear the member for Bankstown, the member for Fairfield and the member for Cabramatta, who represent their communities, talk about doing the best for the community.

As a western Sydney member of Parliament—and I am still a councillor, so I do wear two hats—I am pleased to serve my community. I know that many people in my community do not have 2011 or 2012 model cars; they have older cars, like mine—a 2000 model—that still need to run on unleaded petrol. I tried to use ethanol in my car and it cost me money to get it fixed because the car was not made to use ethanol. The Government has listened to the community and understood its needs. Bioethanol is made from sugarcane waste, and I understand that in 2010 worldwide biofuel production reached 105 billion litres. That is a very encouraging figure and we support that production but, on the other hand, we support our community.

The 28 billion gallons of biofuel produced in the United States is up 17 per cent from 2009. As at 2011, mandates for blending biofuels exist in 31 countries at the national level and in 29 States and provinces. No-one can deny the importance of biofuels. We know that most cars—not all cars—can run on blends of up to 15 per cent ethanol. This Government is giving community members a choice as to which petrol they wish to use. The 2007 Act establishes minimum biofuel requirements for petrol and diesel fuel sold by volume sellers. It does this by imposing minimum biofuel requirements on primary wholesalers and major retailers. The minimum biofuel requirements compel all volume sellers to ensure that ethanol makes up not less than 6 per cent of the total volume of petrol sold or delivered in New South Wales and to ensure that biodiesel makes up not less than 2 per cent of all diesel fuel sold or delivered in New South Wales. In addition, the Act requires primary wholesalers to ensure from 1 July 2012 that all regular grade unleaded petrol sold in New South Wales is E10.

This bill will amend the Act to remove the requirement, which was to have begun on 1 July 2012, for primary wholesalers selling regular unleaded petrol in New South Wales to ensure that it is E10. This bill does not change the requirement for volume sellers to ensure that ethanol makes up not less than 6 per cent of the total volume of the petrol sold. These changes will ensure that regular grade unleaded petrol remains available for older vehicles—like mine—and small engines not recommended for use with E10, while still increasing biofuels demand and supporting increased biofuels production in New South Wales.

As I said earlier, this Government is the choices government. It lets people choose what is best for them. This Government is not here to dictate to the people; it gives the community choices. We introduced this amendment bill after consultation with many people in the industry. I received advice that not every car can accept ethanol. For these reasons I commend the bill to the House. I also commend the Minister for his hard work in introducing a bill that represents the needs of the community.

Mr JAMIE PARKER (Balmain) [8.03 p.m.]: The Biofuels Amendment Bill 2012 changes the Biofuels Act 2007 to remove the requirement, which was to have begun on 1 July 2012, for primary wholesalers selling regular unleaded petrol to ensure that it is E10. It leaves in place the mandate that currently requires that 6 per cent of all petrol sold is ethanol. The term "E10" is defined in the Act to mean a petrol-ethanol blend that

contains between 9 per cent and 10 per cent ethanol by volume, being ethanol that complies with a biofuel sustainability standard. I support the bill but I will also identify some amendments that The Greens will move in the upper House.

Referring to the genesis of the bill, it is important to recognise that the former Labor Government introduced the Biofuels Act 2007 under which 2 per cent of fuel volume sold was to be ethanol. The Act was amended by the Biofuel (Ethanol Content) Amendment Bill 2009 that banned the sale of regular unleaded petrol which was not E10 by 1 July 2011, which was subsequently amended by regulation to 1 July 2012. It set a timetable for mandated minimum ethanol content for total petrol sales in New South Wales of 4 per cent from 1 January 2010 and 6 per cent from 1 January 2011. The Act allows the mandate dates to be delayed by regulation.

The Greens voted against the 2009 bill because we had real concerns—I think all of us did at that stage—about the direction that the then Government and Opposition were taking and the development and type of alternative fuel production being pursued. Under the 6 per cent mandate, oil companies must ensure that 6 per cent of their fuel sold is ethanol. Despite the 6 per cent mandate, currently the actual level is about 4.5 per cent. Under a ban of regular unleaded petrol up to 750,000 motorists who were purchasing regular unleaded petrol would have been forced to use premium grade fuels because their cars were incompatible with E10. At approximately 15¢ a litre more, they would pay more than $150 a year extra because they would be forced to use premium unleaded petrol.

Mr Gareth Ward: Are you supporting it?

Mr JAMIE PARKER: Yes. The member for Kiama should be listening. This is important information. Let me talk about the environmental benefits of E10.

Mr Gareth Ward: I'm waiting.

Mr JAMIE PARKER: I will get to it. Up to 90,000 motorcycles and 100,000 trailer boats also require ethanol-free petrol. The Premier initially insisted that his Government would proceed with the 1 July ban; however, Mr O'Farrell backflipped after a Cabinet leak showed that Crown Solicitor's advice had warned that the policy could be unconstitutional and that the Australian Competition and Consumer Commission believed it would increase petrol prices.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Balmain has the call.

Mr JAMIE PARKER: Mr Acting-Speaker, I am delighted that they are listening. The Greens support the bill. The ban on unleaded regular petrol lacks sufficient justification to warrant the financial pain on motorists. We welcome the Government's change of mind on this. We believe it is a good decision. The Greens would enthusiastically support the move to E10 fuels but only after there is strong evidence that E10 provides cost-effective cuts to greenhouse gas emissions and that E10 does not compromise the food supply. Unfortunately, there is an absence of credible scientific evidence to support the greenhouse gas emission reductions claimed for E10.

The Productivity Commission's December 2011 report was critical of the claimed greenhouse gas benefits of E10. Its modelling showed that the ethanol produced by Manildra is only 42 per cent greenhouse gas cleaner than unleaded petrol, falling short of the target set by the government regulator, the Office of Biofuels, which says ethanol should have 50 per cent lower greenhouse gas emissions than fossil fuels. We know that Manildra is the State's monopoly supplier of ethanol and has about 66 per cent of Australia's manufacturing capacity. Evidence given by John Honan, the son of the owner of Manildra, before the Victorian Productivity Commission in 2007 suggested that Manildra's production of ethanol used about 50 per cent food grain and about 50 per cent waste to produce ethanol. The company subsequently denied that claim, suggesting that it is all based on fermenting recovered starch waste. While a ban on regular unleaded petrol is ill-conceived, the currently legislated 6 per cent mandate may well have a similar effect to that ban.

Analysis by the parliamentary office of The Greens and the Australasian Convenience and Petroleum Marketers Association shows that enforcing the 6 per cent mandate would result in regular unleaded petrol all but disappearing from sale in New South Wales. Many petrol stations will be forced to close their regular unleaded bowsers, with only about one in 20 petrol stations selling regular unleaded petrol. About 35 per cent of fuel sold in New South Wales is regular unleaded, about 30 per cent is premium unleaded and 35 per cent is

E10, giving the 3.5 per cent ethanol that I indicated earlier. To achieve the 6 per cent mandate, nearly all of the regular unleaded petrol would have to be replaced by E10. That fact was clearly identified by the Australasian Convenience and Petroleum Marketers Association.

It is true that ethanol-blended fuels are less expensive per litre but they provide less fuel efficiency. It has been argued that while it costs less in the short term it is overall a more expensive option because it is less fuel efficient over a given distance than regular unleaded. It is doubtful that the ethanol industry would have been too upset by Mr O'Farrell's backflip on the ban, despite Manildra boss Dick Honan's claims of job losses. When it comes to the monopoly supplier in this State, although we now have reformed laws, it is important to note that since 2003 it gave more than $588,000 in political donations to the Liberal Party and The Nationals. It gave even more to the New South Wales Labor Party.

Mr Gareth Ward: Point of order: Donations from Manildra have nothing to do with this debate.

ACTING-SPEAKER (Mr Lee Evans): Order! What is the member's point of order?

Mr Gareth Ward: I would ask you on the grounds of relevance to call the member back to the leave of the bill.

Mr JAMIE PARKER: I will go back to it. According to a *Sydney Morning Herald* article on 1 February 2012—

Mr Daryl Maguire: Point of order: When a point of order is taken it is the protocol of the House for the member speaking to resume his or her seat. I ask the member to adhere to that ruling and that you uphold the protocols in this place.

ACTING-SPEAKER (Mr Lee Evans): Order! I remind the member for Balmain of the standing order relating to the taking of a point of order and ask him to abide by it in the future.

Mr JAMIE PARKER: Yes, I will. According to the *Sydney Morning Herald* article of 1 February 2012 the O'Farrell Government supports the mandate because "it provides regional jobs, fuel security and environmental benefits." These assertions are not true. The Greens are also concerned that ethanol production may well drive up food prices by diverting grain from the food chain into ethanol productions.

Mr Gareth Ward: Point of order: My point of order is relevance. The member is not dealing with the provisions of the bill, which relates to the mandate. The member for Balmain is speculating on matters relating to ethanol, not the bill itself. I ask that you draw him back to the leave of the bill.

ACTING-SPEAKER (Mr Lee Evans): Order! I draw the member for Balmain back to the leave of the bill.

Mr JAMIE PARKER: I understand that. The mandate is critical in understanding the components of ethanol and its value. I draw to the attention of the House that in 2008 a Federal Government Parliamentary Library research paper entitled "The Economic Effects of an Ethanol Mandate"—which goes directly to the bill—found that the annual cost in 2004-05 dollars of each of the 648 jobs was estimated at $182,000 in government expenditure and $139,000 in economic costs. It went on to say that the subsidisation of ethanol production merely transfers resources from one group, taxpayers, to another, ethanol producers. The high cost of job creation means that it would be cheaper to pay each worker average earnings of $51,000 to do nothing but sit at home than to subsidise them to produce ethanol.

The value of the enormous State and Federal Government investment in ethanol production is questioned and needs to be resolved. We call on the Government to go further than simply dumping the ban. Let us drop the 6 per cent mandate back to 4 per cent and commission an inquiry with judicial powers to examine the benefits of biofuels, and in particular a cost-benefit analysis of the State and Federal Government investment in ethanol production. The Coalition claims that it is about financial investments that are efficient and deliver the best for the community. This is a call to examine the efficiency of the investments that the State is undertaking in biofuels.

The Greens will move amendments in the upper House and if there is strong evidence that biofuels deliver significant reductions and significant environmental benefits we will be fully supportive. However, the

evidence is not absolutely clear. We know that from the Productivity Commission report, which highlights serious concerns about biofuels. We know from the 2008 Federal Government paper that there are questions about the level of investment and this deserves inquiry. I would be the first to support this. I use E10 in the vehicle that I drive, based on the principle of benefit of doubt. But the question is: Should the Parliament be making these decisions while the jury is still out? Although we support the bill for several reasons, we would like to see more work done on the benefits of biofuels. We are not opposed to the Government pursuing alternative fuels but we would like to see it happen in a socially and financially efficient manner and in an ecologically sustainable way.

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [8.12 p.m.]: I make a contribution in support of the Biofuels Amendment Bill 2012. I note that the bill has excited a lot of debate, yet note also that it is a short and simple bill; there are only 14 lines about amending the principal Act and three lines with respect to amendment of the regulation. I note the comments of the member for the socialist alliance, who raised a number of concerns about biofuels. It is quite proper to engage in research and I am pleased that a number of New South Wales research institutions are doing exactly that; I shall come to that shortly.

In his contribution the member for Balmain spoke about the three main reasons for the bipartisan—and with his support tripartisan—support for biofuels in New South Wales, they being fuel security, regional jobs and environmental benefits. Dealing with those, firstly, we know that the biggest contribution to greenhouse gas emissions is the stationary energy sector but transport fuels also make a significant contribution to greenhouse gas emissions. So it is important that we look at this sector and encourage the use of renewable fuel sources wherever possible. It is an important regional industry, providing jobs in regional New South Wales.

I note the member for Balmain raised questions with respect to the environmental benefits of biofuels, yet in listening to his contribution I noted that he did not suggest there are not environmental benefits; he merely made an argument as to the weight of environmental benefits provided. Nevertheless, I argue that any industry that has any environmental benefit is one this House should support. There are strong benefits associated with biofuels, particularly given the use of by-products from agricultural processes and efficient use of those processes.

I note the bipartisan support with which the original legislation was introduced in 2007 and the original mandate imposed in October of that year of 2 per cent, which was then amended by 2009 legislation to 4 per cent. The same legislation was going to ratchet it up to 6 per cent and, with unleaded petrol, was to include E10 by January 2011. The Minister at the time used his powers under the regulation, deferred the matter and put it in the too-hard basket because he knew there was an election and I think he suspected he was not going to be successful. That turned out to be the case. He put it into the too-hard basket and it was left to the incoming Government to solve the problem.

Why is it a problem? As other members have articulated, it is a significant problem to effectively phase out unleaded petrol without ethanol because of the impact it will have on hundreds of thousands of motorists, motorcyclists and, in particular, boaties. According to research, the use of biodiesel and biofuels in boats can be dangerous in certain circumstances, so that is a particularly important consideration. Whatever the case, it was a situation that would impose on hundreds of thousands of motorists, increasing costs at a time when the carbon price is threatening to push up prices even further. This legislation removes the requirement for unleaded petrol to be E10, yet it does nothing to take away the 6 per cent mandate applied in the Biofuels Act. Concerns have been raised by big oil companies about insufficient supply. For that reason, the Government has commissioned the Independent Pricing and Regulatory Tribunal to investigate these concerns. Members would agree that is a prudent and sensible response.

The amending bill sends a clear message that ethanol is an important industry. It is important for energy security reasons and it is important to promote renewable energy sources, and it is an industry and a fuel source that is here to stay. At the same time, the Government cares about fuel prices and rising transport costs. That is a narrative shared across the renewable energy sector that there is a balance confronting renewable energy policy—what Ben McNeil calls the "clean industrial revolution". On the one hand, we need to push for more renewable energy and, on the other hand, we need to do it in such a way that households can bear the cost. It addresses the need for certainty and it also—and this is an exciting point—incubates research. This is an important field that we need to research.

All members of the House would agree that we need a more diverse biofuels industry. Recently, I met with Professor Peter Ralph from the University of Technology, Sydney, who is doing research with his team

into second generation biofuels and the use of algae as a fuel source. I know that research is being undertaken at the University of New England, Armidale, looking at biomass as a potential second generation biofuel. Research is also being conducted into third and fourth generation biofuels. I think the future for the biofuels industry is bright. This bill provides certainty with respect to the ethanol industry and the biofuels industry more broadly. It also provides relief to long-suffering motorists, who have been facing rising transport costs. This is the Government's contribution to ensuring that households are relieved of some of the burden of these rising transport costs.

Mr KEVIN ANDERSON (Tamworth) [8.19 p.m.]: I support the Biofuels Amendment Bill 2012. Briefly stated, the bill will remove the requirement, which was to have begun on 1 July 2012, for primary wholesalers selling regular unleaded petrol to ensure that it is E10. Basically, without this amending bill, the Act would have knocked out the sale of regular unleaded petrol. I was interested when listening to the debate to note that members from right across New South Wales participated and that many of them addressed the impact that this bill will have on rural and regional areas. The availability of ethanol-free regular graded unleaded petrol is of particular concern to independent service station proprietors in regional and rural areas of New South Wales, particularly in smaller towns that have one service station. They have a bowser with unleaded petrol, probably a bowser with E10, and a bowser with premium.

Many independent service stations are older facilities with limited and ageing tanks and pumps. If they are forced to carry out the change and sell only E10, it will send some of them broke. That is not to mention the effect on some people who will not be able to refuel their vehicles, such as elderly folk who own older cars and even younger people who are starting to drive, have just come off their P-plates and have graduated to an open licence, and have older vehicles. Approximately 750,000 vehicles throughout New South Wales will have to be parked and never used again. It was mentioned during the debate that ethanol can present a few challenges when it is used in older cars, smaller engines and marine engines. I would like to expand on that topic and let members know why it is not advisable to use ethanol or E10 in marine engines. The problem, as advised by Roads and Maritime Services, is that it is hydroscopic, which means that it absorbs water.

Ethanol has the ability to separate from petrol if it is stored for long periods. If ethanol is sitting in a tank, it begins to separate and a thin film of condensation is created. That produces a boundary layer so that there are two components in the fuel tank. When the two components are drawn into the combustion chamber, that will result in a combination of water and petrol, which can have a catastrophic effect on engines. That is why the experts say that ethanol is not suitable for small engines, particularly marine engines, especially when those engines are not frequently used and ethanol is stored for extended periods. Ethanol also can be a solvent and can affect some fibreglass fuel tanks as well as older fuel lines, seals and gaskets. I have mentioned some of the downsides of ethanol, but in terms of what it can do for us as a whole as a biofuel in the context of clean energy and a sustainable industry, it will provide a clean renewable energy source in the future. I think ethanol has a definite place in our society.

I will be interested to read the amendments that the member for Balmain foreshadowed will be moved in the upper House. Just talking about greenhouse gas emissions is pretty much in the same category as talking about the carbon tax—it is a bit of a myth. That is why I will be interested to see how The Greens amendments will pertain to this legislation. I believe ethanol has a role to play in the future, and that leads me to turn my attention to regional development, economic development and jobs creation. As the member for Balmain pointed out, currently there is only one major ethanol supplier in New South Wales. We need to open up the market, expand the market, and invite competition. We should show that we can provide the volume of ethanol needed to meet the mandate of 6 per cent now and in the future, and ensure that we do not become reliant on one source—that we do not have all our eggs in one basket—because an open market is all about choice and producing sufficient supplies.

A number of major oil companies have indicated that they will not have the capacity to buy in the ethanol required to meet the mandate of 6 per cent now or in the future. We need to ensure that we have the supply we need. How do we do that? We do that by creating opportunity, competition, economic growth and jobs in the production of ethanol. Whether we like it or not, there are still many uses for unleaded petrol, but over time that source of fuel will diminish. As has been said many times during this debate, there are more than 700,000 pre-1986 vehicles that, together with smaller engines in lawn mowers, ride-on mowers and so on, will deplete supplies of unleaded petrol. Eventually E10 will have a greater role to play as a source of fuel. The Government is certainly in favour of clean energy, renewable energy sources and looking after our environment. I firmly believe that the bill before the House is common sense.

The member for Balmain said that the Premier had done a backflip, but I call the Premier's decision listening to the community—something that the previous Government did not do. His comment illustrates why there is only one member of The Greens—just one—in this House. He is the sole member of The Greens, a solitary figure, just one person. The Government's approach is called listening to the community, and that is what we have done. I have received many emails and phone calls from people who have expressed their concern about the prospect of unleaded petrol becoming unavailable.

I congratulate the Premier on having the courage to listen to the community and say, "No, we have listened to the community. We're going to get on with the job and bring some common sense back into the debate by introducing the Biofuels Amendment Bill 2012 and by removing the Act's requirement." I congratulate the Minister for Resources and Energy on introducing this legislation. That is what happens when we have a government that listens to the people, including the people of rural and regional areas of New South Wales, and puts common sense at the forefront of decision-making. I am proud to participate in this debate. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [8.26 p.m.]: The Biofuels Act was introduced in 2007 by the then member for Kiama, who was very excited about its introduction. Later it was revealed that his excitement was attributable to introducing a legislated mandate as a response to his obligation to a major sponsor of his election campaign—a sponsor that manufactures E10. In spite of all that, we must start looking for an alternative to petroleum, which is why the Act originally was supported by the Coalition. However, our advice is that in due course serious consideration must be given to the introduction of alternative sources of fuel. The North American experience, where excessive corn production led to the development of alternative fuels, was that biofuel became a ready source of energy. In North America there was a transition period while conventional fuel was replaced by alternative sources of energy, and we should accept the necessity of making a similar change.

When the 2007 mandate was enacted, it was intended to be invoked at a future date. When that time came, it was discovered that the mandate could not be realistically enforced because of the constraints of total reliance by some people on unleaded fuel. Since 2007, cars have been modified so that they can operate efficiently on E10, and I have no doubt that the inevitable change from conventional fuel to biofuels will be much easier as a result. But the challenge was always going to be whether there would be enough ethanol available for fuel companies to meet the mandate and the demand for biofuel. During the drought it was clearly evident that meeting demand was never going to be achieved.

The future development of these fuels will be based not on the primary product, which is generally grains and corns that are easy to convert into ethanol, but on the residue of crops. At present, that is not as easily converted but the technology is developing and in the future there is the possibility that we can start utilising some of the trash that is left over from grain production and other agricultural production for the development of ethanol fuels. When we get to that point and there are enough people who are confident about investing in the type of equipment they need to produce ethanol fuel, I think the market will be ready. The supply line is ready. It would be a disgrace if we had a mandate in place in New South Wales and were importing ethanol from elsewhere to supplement the shortfall. I believe the situation today demonstrates that the current ethanol producer in New South Wales will be guaranteed demand that matches his output.

This Government remains committed to the development of an alternative fuel. I do not think anyone is walking away from that; it is a fact of life, and the sooner we do it the better. The sooner we look at running vehicles and industry on alternative fuels, the better off this country will be. We will no longer be dependent on a petroleum product and we can start looking to a future in which there is some guarantee of supply. That is the crux of the matter. I think people have got lost in the politics of ethanol. I do not condemn the member for Kiama for bringing his bill to the House in the first instance, but it was a typical Labor move.

Those opposite never look to the future. They made some pretty rash decisions and a lot of people were left to pick up the pieces. His legislation was another example. The bill was passed and Labor thought it would mop up later. It was Labor policy, but the fact is that during the debate concerns were expressed—they are on record—about meeting the mandate by its due date. It was always foreshadowed that this target would be unrealistic. Now we have found that it is unrealistic. Not only that, there is an economic fallout for those people who can least afford to pay a premium for vehicle fuel. The mandate would have caused some major problems for them. I think the Government made a very wise decision in recognising the impact it would have.

The previous Premier is shaking her head, but we have seen a carbon tax introduced in this country and we do not even know what its impact will be. It is one of those decisions that Labor makes—it puts something

in place and discovers the impact later. The people at the bottom of the heap have to wear it. There is absolutely no doubt about that. This sort of reform is ill thought-out and badly planned. A mandate was put in place that was impossible to achieve without causing a major economic impact on the people who can least afford it. This Government should be congratulated on making a decision that recognises the pressure on those people who were going to be impacted by the price of a fuel that would have been forced on them.

In my electorate there are people who really cannot afford to put ethanol in their fuel tanks. The fuel tanks will have to be replaced and there is not enough margin in selling fuel to enable that to happen. The people on the bottom of the heap are facing a lot of challenges: they are struggling to stay in business and they cannot afford to take on that alternative fuel. It does not alter the fact that we will develop an alternative to petroleum fuel but it will be done over time with the least impact on those who will have to support a new fuel source.

Mr GREG PIPER (Lake Macquarie) [8.35 p.m.]: I will make a very brief contribution to the debate on the Biofuels Amendment Bill 2012. Unfortunately, I missed the opportunity to discuss the issues relating to the ethanol mandate when the legislation was introduced in March 2009 by, I believe, the then member for Riverstone.

Mr John Williams: Kiama.

Mr GREG PIPER: We will see. It was introduced by the Labor Government, and I had grave concerns about the way in which it was introduced and some of the logic that was used to justify an industry based on mandated 10 per cent ethanol in fuel. I have no doubt that there is a place for E10 fuel in the market. The question is whether we should regulate a market to force a percentage such as that to be used and artificially stimulate a market that did not previously exist. I note the member for Balmain discussed similar issues in relation to some outstanding concerns that have not been fully resolved in the global community about the impact of the production of alternative fuels such as ethanol. I believe these issues need to be addressed properly.

Some of the concerns I wanted to raise in 2009 included the fact that the scenarios used to justify the bill at the time did not allay the fears of many, including a number of academics who have watched the development of a biofuels industry. We would be creating an industry through the use of legislated targets and it would be amazing if the industry did not reach a point where it wished to expand beyond the mandated levels. This would no doubt change everything and create demand for feedstocks that are currently ruled out. These matters should be much better understood prior to increasing mandated biofuel levels. As with any technology, there needs to be a period of growth and development so as to be able to improve the technology. Perhaps until we know more about the impacts of biofuels production the approach should be that the prescribed levels are maximum levels of biofuels rather than minimum levels. In an article in *Time* magazine of 27 March 2008, Michael Grunwald stated:

> Biofuels have become the vanguard of the green-tech revolution, the trendy way for politicians and corporations to show they're serious about finding alternative sources of energy and in the process slowing global warming.

There are enough concerns in the market for us to be a little cautious about going down the path laid down in the original bill. I recognise that it is not the intention of the Biofuels Amendment Bill 2012 to address those issues. We are talking about the social impact and the very real financial impact on families in our communities who cannot afford to convert their vehicles to use ethanol fuel. I accept that as a valid part of the argument and a reason for the introduction of the Biofuels Amendment Bill 2012. It gives us an opportunity to give greater consideration to the impact of developing a growing biofuels industry in New South Wales, and indeed in Australia.

Mr KEVIN HUMPHRIES (Barwon—Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales) [8.39 p.m.]: The aim of the Biofuels Amendment Bill 2012 is to remove the requirement, which was to commence on 1 July, that primary wholesalers selling regular unleaded petrol ensure it is E10 fuel. The 2007 Act came into effect after heated agreement in this House and in the community that New South Wales embark on a future of assessing alternative fuels. That agreement was reached in the context of overseas debate and the desire of major fuel companies and the Australian community potentially to implement a robust biofuels strategy. That strategy was always in place and the previous Government had the ability to amend the Act and remove unleaded fuel from that requirement, but it never did. That is why the adjustment we are debating today is needed and why this bill is extremely sensible. The bill is a good, balanced result. If any amendments are made to it or there is any dissent to it, I will be eager to take up the issues involved.

As previous speakers have said, this bill is about the future of alternative fuels. Certainly the original debate occurred in the context of discussions about peak oil and why countries like Australia that are becoming increasingly dependent on imported fuel and energy supplies need to consider a robust biofuels policy. However, at the same time we had to enter a period of transition. If members believe the bill is not balanced and does not support people who, as the member for Murray-Darling said, may not be well placed financially to transition to a more robust and aggressive policy regarding alternative fuels, particularly E10, we must take that into consideration. This issue was not addressed earlier but we are addressing it now in government, and it needs to be supported.

As a responsible Government, we need to send market signals to communities across the country that alternative fuels—biofuels and the ethanol industry—are still on the radar. If we do not insist on the mandate, we are pandering to those who seek only short-term gain. It is interesting to note that, while some major retailers in this State and the country might argue that they cannot access ethanol suppliers and are talking the industry down, in other parts of the world—particularly the United States and other western countries—they are talking up the benefits of ethanol. Mixed messages are being sent not just in our country and this State but across the globe. Part of being a responsible government is making sure that the issue remains on the agenda and that future requirements are consistent. When a country like Australia relies more and more on imports and our oil is not of a good quality, we must consider a long-term transition strategy. Biofuels have to be in the mix when considering future vehicle fuel strategies.

Obviously, supply is restricted in New South Wales—it revolves around Manildra—but that is not the case in other States, such as Queensland, to which I shall refer shortly. Where we have a nexus between a supplier or suppliers and a retailer, it is incumbent on government to keep the debate alive and, importantly, to send a strong market signal that this State is open for business when it comes to the advancement of biofuels. People get bogged down in the food versus fuel argument. The first generation of ethanol development, particularly in Australia—indeed, the overseas experience has been the same—revolved around grain that could potentially be used in the food chain or in the energy and fuel market. That argument needs to be pushed a little wider.

Much food gets dumped onto markets, European or Australian, yet we could value-add to a lot of cheap product. I refer particularly to one group in my electorate known as Walgett Special One Co-Operative Pty Ltd. Within the past generation the Walgett region, which is currently experiencing flooding, has become a grain-producing powerhouse. It now faces the issue of what to do with downgraded or pinched grain. If it is sold into the food chain, the company will get a discount. We know that grain gets blended and sold overseas, where it is value added. Wheat, as in this case, and potentially sorghum is a great base for an ethanol-based industry. Why should growers in rural New South Wales not have the option of selling their wheat not just into the food market but also into the fuel and energy market? For commentators on this debate—not particularly the Socialist Alliance—the issue is not about just supplying grain to the food market. Our growers need alternatives, and the market will send the correct message as to where grain should be sold.

One issue with ethanol production in the north-west of the State, where a number of plants are proposed, is that it is a large, double-cropping irrigation area with a guaranteed grain supply. Do we need to send a message that regional New South Wales is open for business and we are looking for alternative markets for our grain? Yes, we do. Is food still being dumped onto the global market? Yes, it is. Can we increase food production in this part of the world, particularly in rural New South Wales, with reasonable land use and native vegetation laws? We can nearly double our food production. That is not an issue. The food versus fuel argument is not legitimate.

The member for Murray-Darling, who is a most informed member, alluded to the future of the ethanol industry. The next generation of ethanol production is in cellulosic extraction. Starch produces energy and we need to support the extraction of products such as ethanol, which is basically pure alcohol. One has only to go to places like the United States and Canada to see that the next generation of ethanol production is not geared necessarily to grain. It is geared to cellulosic conversion, which involves the production of wheat or corn stalks, for example. Anything that involves biomass can be converted into fuels like ethanol. That is the next generation of production. That is why we need to keep the mandate alive and send a market message not just to the fuel suppliers and producers, but also to the researchers and government to make sure that ethanol production—and obviously, in the longer term, biodiesel—is part of the future fuel mix in places such as New South Wales.

If we rely totally on the current fuel supply, we are restricting our future capacity and security to keep our economy and communities viable. That is not what we want. This is not about subsidies, as someone from

the Socialist Alliance said; it is about investing in the future and about intergenerational change. The O'Farrell-Stoner Government was given a mandate to tell the people of New South Wales what they can do, not what they cannot do. We do not want to return to the Labor paradigm of telling people what they cannot do. Unfortunately, the Socialist Alliance also falls into that category. This Government will be more about telling the people of New South Wales what we can do and what we can achieve.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [8.49 p.m.]: I speak on the Biofuels Amendment Bill 2012. When a similar bill was introduced in the House in 2007, I was keen to talk about the benefits of using ethanol. As my learned colleague the Minister for Mental Health indicated, there are many aspects to the production of ethanol. It can be produced from algae or any product that ferments. The Minister mentioned cellulose production from stalks, sugarcane or corn. As Australia has such broad expanses of land, the production of ethanol is a wonderful farming opportunity. Although currently ethanol is primarily produced from wheat and wheat starch, ethanol can be produced from a wide range of other products. I support the advancement and production of ethanol in the future. Why is there hysteria surrounding the use of ethanol? Largely it is because once we start in the slightest possible way and by the smallest percentage to chip into the profits of oil companies, all of a sudden they burr up and become agitated about any loss to their bottom line. I want to put some facts on the record. I have used ethanol in my machinery and motors since it became available.

Mr Ryan Park: We are not interested in your machinery.

Mr RAY WILLIAMS: I am trying to explain in the clearest terms for the benefit of the member for Keira. Perhaps if I had photographs he would understand it more easily, but I will explain in plain English. In 2007 when I drove a hybrid vehicle into a Shell service station at Rouse Hill the ethanol pumps could barely deliver fuel to my tank. I checked six pumps at the station and could get only a dribble from them. In fact, if I had tried all day I would not have got a cupful of ethanol. I knew that the then Government had passed legislation that stipulated if a service station advertised the sale of ethanol but did not provide it, the service station could be fined $100,000 for falsely advertising that ethanol was available.

I wanted to fill my tank with ethanol, but as the pumps would not deliver it I had to use unleaded petrol. I thought about the petrol companies, the lack of ethanol and the purpose of the legislation. I explained the law to the manager of the service station, but he did not take it on board. Three weeks later I rang that very learned person on 2GB Alan Jones and explained that service stations were advertising the sale of ethanol, which supports our farmers and rural industries, yet were not making it easy for motorists to obtain the ethanol from their tanks. Surprise, surprise, all of a sudden ethanol was available in all sorts of places. Subsequently, people called talkback radio to confirm that certain service stations were restricting the use of ethanol in their tanks.

I raise that circumstance to show that the moment we start to chip into the profits of oil companies they create hysteria about ethanol. We have been told that ethanol cannot be used in some vehicles. People should abide by the requirements of vehicle manufacturers when they state that ethanol should not be used. I believe that accounts for less than 1 per cent of vehicles manufactured today. The remainder of vehicles on our roads today can safely run on ethanol, with the exception of cars pre-1986. An announcement was made that 800,000 vehicles could not use ethanol, but it was not stipulated that a large proportion of those vehicles ran on diesel or LPG. The announcement did not stipulate the percentage of vehicles used by the other good, green environmentally friendly people, like me, who drive hybrid vehicles and use alternative fuels. We must ensure that the debate on ethanol is not driven by hysteria. I have a 1935 Ferguson tractor that has operated on ethanol for many years and it has never missed a beat. I do not use it to travel to Parliament House every day but to slash the grass in my paddocks when I am not working around my electorate.

Mr Greg Piper: What colour is it?

Mr RAY WILLIAMS: It is a typical grey Ferguson tractor. I also use Rover mowers that are more than 20 years old and whipper snippers that run on ethanol. All my pieces of machinery operate quite effectively on ethanol. Many mechanics do not recommend the use of ethanol as plastic fuel lines are hardened by ethanol. But if I want to be more environmentally friendly and use ethanol and, as a result, I have to put a new fuel line on my whipper snipper every five years at a cost of $3.50 because the fuel line has become hardened, I am more than happy to do so. The object of this bill is to amend the Biofuels Act 2007 to remove the requirement, which was to have commenced on 1 July 2012, for primary wholesalers selling regular unleaded petrol to ensure that it is E10. E10 is a very successful product that supports our rural areas and industries. I commend the use of biofuels to the House.

For those who have a problem with 10 per cent ethanol, I can advise that the former member for Vaucluse, Peter Debnam, was environmentally conscious and drove a vehicle that operated perfectly on 85 per cent ethanol. Only one service station provided that fuel. I am sure many vehicles would operate just as effectively and efficiently on 10 per cent ethanol. I support the use of ethanol and support this bill to ensure that unleaded petrol is available. I hope the ethanol industry is expanded in the future. There are many ways to produce ethanol, which is great for our country—a large primary producer of many products that can produce ethanol. I commend the bill to the House.

Mr CHRISTOPHER GULAPTIS (Clarence) [8.58 p.m.]: I support the Biofuels Amendment Bill 2012, which clearly will impact on the environment in a positive way. We all should aim to use ethanol in the future. Parliament has looked at ethanol for a long time as a future solution to our concerns about fuel shortages. Ethanol is a clean fuel that is offered across New South Wales. We want to expand our opportunities to use ethanol into the future. Clearly the use of ethanol in some older vehicles could cause damage and if ethanol were mandated the owners would have to pay a higher cost for other fuels.

There is an opportunity with this bill to allow people to have a choice as to the fuel they use. Fuel stations across the country can provide the range of fuels that are required by most motorists—but some 700,000 or 800,000 vehicles are not compatible with ethanol fuels. This amendment will allow those people the opportunity to use a range of fuels. The bill recognises potential hardship and provides for E10 exemptions for small businesses facing significant hardship. Assessment of hardship will always require a degree of subjectivity. What is a significant hardship? More importantly, what is insignificant hardship? Where is the cut-off line?

The service station industry also currently faces infrastructure costs, imposed for environmental reasons, for groundwater monitoring wells and vapour recovery systems. The major oil companies and retailers have modern sites that are more likely to be E10 compatible. They have the financial resources to accept the up-front costs and recover them over a few years in the ordinary course of business. Smaller operators are already struggling to compete with the major retailers and their 4¢, 8¢ or even 12¢ per litre supermarket discounts. Small businessmen already often work long hours, seven days a week to achieve a modest income. I commend the bill to the House.

Dr GEOFF LEE (Parramatta) [9.02 p.m.]: I support the Biofuels Amendment Bill 2012. The objective of the bill is to amend the Biofuels Act and remove the requirement that was to begin on 1 July 2012 for primary wholesalers selling regular unleaded petrol to ensure that it is E10. It is wonderful that E10 is widely available in the Parramatta electorate, the capital of western Sydney. I commend service stations for offering that alternative. I note that some smaller petrol stations in rural areas may not have the capacity to supply an alternative fuel. This bill is exceptional in its support for choice amongst consumers. It goes beyond that, with support for the biofuels industry in general. About 80 per cent of our fuel is imported. The development and support of the biofuels industry is important to ensure a stable and reliable future for Australia and New South Wales.

The Shell refinery in my electorate is going to change its function. The refinery in my electorate is to close and become a terminal. The company will import the refined product from larger, mega refineries in Asia, pump it out at Kurnell or Gore Hill and into the Parramatta terminal. The importance of supporting the biofuel industry cannot be understated. The support for our farmers' grain and biomass production is important. My experience with the E10 product, which I use in my vehicle, has been positive. I support the bill because it offers choice to consumers. I commend the Minister and I commend the bill to the House.

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

ORGAN DONATION

Matter of Public Importance

Mr GREG PIPER (Lake Macquarie) [9.05 p.m.]: I am pleased to be able to raise as a matter of public importance the need for greater awareness of, acceptance of and participation in organ and tissue donation. As Mayor of Lake Macquarie I was pleased to have recently been able to participate in the official welcome to the

Book of Life project, as it visited the city as part of its ongoing national tour. The *Book of Life* is a project of DonateLife, the public face of the Australian Government's Organ and Tissue Authority. In her foreword to the book, Her Excellency Ms Quentin Bryce, AC, Governor-General of the Commonwealth of Australia, states:

> We share life and we share a capacity to give life. Our personal experiences of living and giving are most powerfully told through our stories. This book is our carriage and our conduit for ensuring that our decisions bring the greatest good to the greatest number in the Australian community. We are forever indebted to those Australians who have chosen to give life.

These words from the Governor-General capture both the spirit and the significance of the choice that can provide the gift of life to those suffering from organ failure. As the proverb says, "It is an ill wind that blows nobody any good." If ever there were proof of this, it is the chance to save one or more lives when tragedy takes another life away. Organ and tissue transplantation is increasingly successful and there are amazing stories of people of all ages returning to near normal lives when they would otherwise have not survived or been subject to ongoing medical treatment such as dialysis. Despite the amazing results that can be achieved, the sad fact remains that people's intention to donate organs so often is not put into practice. Even where deceased persons were willing and documented donors, over 45 per cent of donation requests are refused by grieving families. The Government has taken a positive step towards a solution with the release last December of the discussion paper "Increasing Organ Donation in New South Wales". In her foreword the Minister for Health begins with the sobering statement that:

> People in New South Wales are dying because there is a shortage of organ donations that could save lives.

That simple statement should have a powerful impact. Technical matters such as suitability of donors and the health system's capacity to retrieve and transport organs reduce organ availability, but all too often it is a lack of family consent that denies this opportunity. Barriers to obtaining family permission may be steeped in cultural or religious beliefs, but reluctance can so easily arise because a family just did not know about or had not taken the time to consider the deceased person's wishes. Making the decision to be a donor is a courageous act and deserves to be respected by the family of an intending donor. It is important for people to make a decision on being organ donors, but they also need to discuss it with their families so that the ultimate decision is not thrust on them at the worst possible time.

I raise this matter in the House during DonateLife Week to promote organ donation and to ask members to look for opportunities to publicise this in their own electorates. I acknowledge the truncated debate in this House yesterday but I believe the issue deserves additional debate. This broader debate will hopefully allow members to consider the relevance of organ donation to their own electorates. In that regard, I return to the event at Charlestown Library in Lake Macquarie marking the *Book of Life* project's national tour, where the Organ and Tissue Donor Coordinator from Hunter New England Health, Adrian Watson, gave compelling statistics on organ and tissue donation in front of a small audience. As compelling as these facts were, I am sure Adrian would agree that the essence of the event was conveyed by two guest speakers, one from each side of the ledger so to speak: on one side a donor representative and on the other a recipient.

Wendy Ninness was that first speaker who, when tragedy took her husband's life, had the awful responsibility of making the decision to donate her beloved husband's organs. Wendy spoke with passion about the circumstances of that decision and the recognition of the benefit that came from the donation. How can such a gift ever be adequately acknowledged? It is done by donors living a productive life, which brings me to Laurn MacDonald. Laurn's story provides a perfect example of the wonderful outcomes that can come from donation. Laurn understandably wanted to support the occasion and together with Wendy provided a page for the *Book of Life* telling her story. Laurn is a charming young woman who, in 2003, received a lung transplant that saved her life. Like her brother, Ross, she had for years suffered from cystic fibrosis.

Laurn's life was turned around by the gift of new lungs—someone's tragedy became someone else's blessing. This wonderful outcome was not to be for her younger brother, Ross, who sadly passed away in October 2000 aged 21. While the loss of life that makes organ and tissue donation a possibility is in itself a tragedy, it is also an inevitability. The unreasonable loss of opportunity to give life to others by not donating only compounds the tragedy. I am sure that with hindsight many families wish they had made a different decision. We must all work to ensure that organ donation—the gift of life—is maximised in our community.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [9.10 p.m.]: I welcome the opportunity to speak on this matter of public importance about organ donation, to recognise DonateLife Week and to stress the importance of organ donation. The O'Farrell Government is taking steps to increase awareness of organ donation in our community. DonateLife Week is part of a national campaign designed to raise

awareness of organ and tissue donations and to boost the number of people willing to donate organs and save lives, which is what this is all about. The New South Wales Government is a strong supporter of DonateLife Week and events are being held across the State in hospitals, shopping centres and parks. A number of events have been accessible to residents of my electorate of Vaucluse, including the information stall set up at the Prince of Wales Hospital at Randwick last Friday 17 February. A DonateLife stall also was set up at the University of New South Wales this week for Orientation Week, which I attended. The Minister for Health will launch the DonateLife *Book of Life* in the northern suburbs of Sydney on 24 February.

These events have a simple message: organ and tissue donations save lives. The decision to donate an organ can make it possible for another person to return to good health and a normal family life and to contribute further to the community. The O'Farrell Government is committed to making the residents of New South Wales more aware of organ donation. It recognises that donation rates in New South Wales have been falling over in recent years and that is why it is getting on with the job of finding ways to increase those rates. Donation rates are low for a number of reasons. For example, nearly half of all families decline consent to donate when a family member passes away. New South Wales also has a dual donor registry involving programs run by Roads and Maritime Services, and by Medicare Australia federally. The dual system is causing some confusion for potential donors, which is far from ideal. The Government is working towards improving the opportunities for donation and looking at ways in which it can increase awareness.

New South Wales now has 39 specialist doctors and nurses in 22 hospitals with expertise in organ transplantation and the Government increased funding to support organ and tissue donations by $2.2 million in the 2011-12 State budget. The Minister for Health released a discussion paper in December last year dealing with how we can increase organ donation in New South Wales. The community has been invited to tell us how to increase organ and tissue donation rates. I understand that 76 submissions have been received in response to the discussion paper and that they are being reviewed by the Department of Health. The Government has committed $325,000 to the Australian Transplant Games to be held in Newcastle. Like DonateLife Week, the games will help to increase awareness and celebrate the gift of life that is organ donation.

I was a member of the Neuroscience Research Australia board at Prince of Wales Hospital until I took my seat in this Parliament. As I am sure members will appreciate, there is some hesitation when people are considering donating body organs for research. Obtaining brains in good condition was an issue for the institute–they were often donated because people had died tragically. Those circumstances and the nature of the brain meant they were rarely donated, which is an issue for neuroscience research. Donations not only save lives, they also assist researchers to do their vital work. Organ donation saves lives. That is why DonateLife is such an important initiative and why the O'Farrell Government is supporting it as it gets on with the job of increasing the donation rate. I commend the member for Lake Macquarie for raising this issue.

Mr RYAN PARK (Keira) [9.15 p.m.]: We are again debating an important issue late in the evening. I hope that during DonateLife Week people and parliaments around this country take a bipartisan approach to this issue. People in our communities expect us to disagree at times, to fight vigorously and to debate issues as hard as we can. However, some issues are so important that they expect members on both sides of the House to advance together. I said yesterday in a speech in this place that I genuinely look forward to working with members of the Government to advance an issue over the next four years that is near and dear to my heart. I strongly believe that the rate of organ donation in this country must be increased. We as leaders in our local communities have an obligation to communicate, to make the community aware of organ donation, and to challenge and dispel some of the myths that stop people from making that decision. That does not mean that it will be an easy conversation—it is never easy.

Last week in my electorate office I met with some people who were concerned about statements I made in strong support of organ donation. I told them that it is pre-eminent to religion, faith and so on. It is a simple concept: One human being decides to help another human being at a time of greatest need. As the member for Lake Macquarie and the member for Vaucluse said, 1,600 Australians are waiting with bated breath for a phone call telling them that they have a donor. We as a society can do better than that. As leaders of communities that include people on that incredible list we should work harder to increase community awareness, to dispel the myths and to support the medical profession and others to increase the rate of organ donation. I hope we support each other in that endeavour as we have in this debate.

Mr GREG PIPER (Lake Macquarie) [9.18 p.m.], in reply: I thank the member for Vaucluse and the member for Keira for their contributions to the discussion, and I commend their awareness of the issue and their passion. The non-partisan goodwill they have shown is very heartening. A number of statistics were referred to

in the discussion. I would like to run through some information from the DonateLife website. The first is that Australia is a world leader for successful transplant outcomes, yet it has one of the lowest donation rates in the developed world. We are also one of the most educated countries. That beggars belief. The number of organ donors and transplant recipients in 2011 was the highest since international records began—up 9 per cent from 2010, to the heady height of 337 organ donors.

I cannot believe that a 9 per cent increase takes the number Australia-wide to 337 organ donors. Those 337 donors gave 1,001 Australians a new chance in life. We know that about 1,600 people are now on the Australian organ transplant waiting list and we must do more to assist them. The majority of Australians are generally willing to become organ and tissue donors: that is 79 per cent and 76 per cent respectively recorded as willing to become donors. Yet Australia's family consent rate is low, with less than 60 per cent of families giving consent for organ and tissue donation to proceed. That is not just a shame; that is a disgrace. We have to do a lot more to raise the issue and make sure that people have those important conversations with their loved ones.

In Australia, the average number of donors per million people is 14.9. The member for Vaucluse touched on the low and declining rates in this State. In New South Wales, the rate of donors per million people is 10.9. That is a matter that we must address and it seems it could be addressed. I congratulate the Government on this excellent discussion paper and I am pleased with the response to it. The question is not just as simple as opt in or opt out, as is demonstrated by the paper, because even countries that have the opt-out option are not necessarily achieving the same rates that we have with our opt-in system. We know we can do a lot to get people to have the conversation and substantially reduce that figure of 45 per cent of vetoes. I thank members for their contributions. I hope we can make some change through this discussion.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

CAMPBELL HOSPITAL, CORAKI

Mr CHRISTOPHER GULAPTIS (Clarence) [9.22 p.m.]: My private member's statement relates to the Coraki hospital. Campbell Hospital in Coraki has been closed for quite a while due to some storm damage sustained last year. The community is concerned about the time taken to repair the hospital and reopen it. The town of Coraki, in the northern part of my North Coast electorate, was established by William Yabsley in 1849 at the location where the Richmond and Wilson rivers join. Indeed the word "Coraki" was derived from the local Aboriginal language and means "where the waters meet". Coraki now boasts around 1,200 proud residents. In 1903 the early settlers built the Campbell Hospital, which was designed at the time to cater for 15 patients. That hospital has thus served Coraki and surrounding communities for well over a century. In recent years the economic rationalism of the previous State Government became a major threat to the hospital's existence.

The community, with the strong support of my predecessor, fought a successful campaign to keep their hospital open. But the Coraki locals could not protect the hospital from the fierce storms of September and October 2011. The damage was so severe that the hospital had to be closed. Patients and staff were relocated to other hospitals in the region. That was several months ago, and the hospital remains closed and unrepaired. Responsibility for local health decisions was devolved from the previous centralised bureaucracy to local district health boards last year. The local board eventually commissioned a structural engineer's report on the damage to Campbell Hospital and the cost of fixing it. That report is due to be considered soon. Nevertheless, I am deeply concerned at the delay in reopening the hospital. Given past experiences with government, the Coraki community is frankly suspicious that the authorities may use the storm damage as a reason to close or downgrade the hospital permanently.

The evidence of the importance of Campbell Hospital to Coraki and surrounds was made obvious to me when I attended a community meeting called by the Campbell Hospital committee a couple of weeks ago. More than 200 members of the community attended and they were very adamant with their demands. They want their hospital reopened with the return of all services that were provided prior to the hospital being struck by the storm. They were clearly sceptical of the area health service bureaucracy motives in delaying the restoration of the facility. Coraki locals suspect the engineer's report may be biased towards a predetermined outcome.

I think they may have a point, which is why I have offered to help fund an alternative study—a second opinion, to use a medical analogy. Part of the local health board's mission is to ensure the best outcome for

patients in the region it serves, within a limited budget. However, the idea that money might be more efficiently invested on neighbouring hospitals compared to reopening Campbell Hospital is not acceptable to me or the Coraki community. I have written to all members of the district health board asking them to vote, when the opportunity arises, in favour of full restoration of pre-storm medical services as soon as possible at Campbell Hospital in Coraki. I will continue to stand by the Coraki community in their fight to save their hospital.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [9.25 p.m.]: I congratulate the member for Clarence on his fine contribution on the Coraki hospital. I am sure the member will be a worthy successor to Steve Cansdell, who was a respected and popular member of this place. As one who sat next to Steve in this place for four years, I think Steve held the record for being late for question time. I think you, Mr Assistant-Speaker, would agree. Chris, welcome to the Fifty-fifth Parliament. I know the people of Clarence are in good hands.

PORT STEPHENS COMMUNITY ACHIEVEMENT AWARDS

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [9.26 p.m.]: I congratulate my constituents on being recognised for their achievements in the community through various awards. First, Port Stephens is home to two of the newest recipients of the Medal of the Order of Australia [OAM] in the General Division. Receiving a much deserved OAM for her tireless environmental work is Mrs Jill Mary Taylor of Mallabula. She has been recognised for her service to wildlife conservation through the Hunter Koala Preservation Society. Jill has been President and Koala Care Coordinator of the Hunter Koala Preservation Society since 1997, and a member for more than 20 years. She also has been Secretary of the Tilligerry Preservation Society for nine years, an honorary member of the Wildlife Preservation Society of Australia since 2007, a volunteer for Meals on Wheels, Wallsend, for five years and a Lifeline counsellor for 10 years.

Another of my constituents to be awarded an OAM is Mrs Wendy Stein of Taylors Beach, recognised for her service to the international community through Rotary. Mrs Stein has been a member of Rotary District 9670 Committee, Rotary Australia World Community Service Eastern Region, since 2008. She also has an impressive record of volunteering internationally—in Bangladesh, Trobriand Islands in Papua New Guinea, Fomu in the Eastern Highland Province of Papua New Guinea, Phnom Penn in Cambodia, Dumangete in the Philippines, and Mando in the Goroka Highlands of Papua New Guinea. She was President of the Rotary Club of Salamander Bay from 2008 to 2009, has been a member since 2005 and the International Service Director since 2005.

The Port Stephens Citizen of the Year is Bernie O'Brien from Raymond Terrace. Now a grandfather of 13, Mr O'Brien has set a wonderful example to his children as a tireless and selfless worker for his community. Bernie has been secretary of the Raymond Terrace swimming club, organiser of Neighbourhood Watch, and a committee member of the Raymond Terrace Seniors Club. He has been involved with the Men's Shed, and cricket and football clubs and is a valued member of the Raymond Terrace community. The Port Stephens Youth Citizen of the Year is Sarah Forrest, a 19-year-old Mallabula woman. Sarah gives up her time to take part in hands-on youth events at Tilligerry, the polish program, Port Stephens Mission Australia Early Learning at Tilligerry and Meals on Wheels. Lyn Reid of Hawks Nest is the Great Lakes Citizen of the Year, recognised for her selfless community work, including establishing the Tea Gardens Community Technology Centre, where she has been a continuous member and has held many positions.

Lioness Mrs Reid has worked on the redevelopment of the *Gateway to Myall Coast* brochure and is an integral member of the Myall Community Art and Craft Centre. The Royal Australian Air Force [RAAF] Williamtown Citizen of the Year is Jackie Hays. This award—which is recognised separately from the Port Stephens Council's Citizen of the Year—was initiated after the Royal Australian Air Force Williamtown Support Group was formed in 1997 at the instigation of my predecessor and good friend John Bartlett as a way of recognising the important work of Royal Australian Air Force base personnel who volunteer in our community.

Mrs Hays from Medowie was recognised for her role in establishing a not-for-profit organisation for those with autism spectrum disorder. Mrs Hays and her husband, Sam, established Hunter Connect Families, which aims to support those impacted by autism spectrum disorder. Sam Hays was nominated also for the Port Stephens Citizen of the Year Awards. The couple established the organisation after their three sons were all diagnosed with autism spectrum disorder. Hunter Connect offers support to families that have children diagnosed with neurological development disorders such as autism, Asperger's, attention deficit hyperactivity disorder [ADHD] and others. The group holds regular meetings that aim to encourage and equip parents to

better assist their children. The playgroup has been an invaluable outlet for parents. Family days enable parents to connect with other families experiencing the same challenges. The recent Surfers for Autism Day at Nobbys Head was an outstanding success. A letter to the editor in the *Newcastle Herald* from a Medowie mother sums up the value of such days. The letter reads in part:

> These kids, who find ordinary life so loud and frightening, were laughing and smiling on Saturday.
>
> As parents of children with Autism Spectrum Disorder, all we want is for our children to be happy. Thank you for making my boy, Alex, and more than 140 special-needs kids feel like rock stars.

I congratulate all the award recipients and thank them on behalf of the community for their efforts to make Port Stephens an even better place in which to live.

Private members' statements concluded.

The House adjourned, pursuant to standing and sessional orders, at 9.31 p.m. until Thursday 23 February 2012 at 10.00 a.m.