

LEGISLATIVE ASSEMBLY

Wednesday 7 March 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.

MARINE POLLUTION BILL 2011

Agreement in Principle

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport) [10.07 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to speak on the Marine Pollution Bill 2011, which was introduced in the other place by the Minister for Roads and Ports. The key purpose of the Marine Pollution Bill 2011 is to implement in New South Wales the International Convention for the Prevention of Pollution from Ships, which is commonly referred to as the MARPOL convention. The bill will also introduce a number of miscellaneous amendments to improve the protection provided to New South Wales port and coastal waters from the harmful effects of pollution from ships. The MARPOL convention is the main international convention addressing marine pollution and is administered by the International Marine Organisation. The convention has more than 130 signatory countries worldwide, including Australia.

The convention covers six types of pollution from ships, including oil, noxious liquid substances, harmful substances in packaged form, sewage and garbage. Each type of pollution is referred to in a separate annex to the convention, with each annex being implemented on a progressive basis by signatories to the convention. The Marine Pollution Act 1987 already incorporates into New South Wales legislation annexes I and II, which deal with oil and noxious liquid substances respectively. Both annexes have been revised by the International Maritime Organisation a number of times since 1987, and therefore New South Wales legislation that refers to these annexes needs to be updated to account for these revisions. The Marine Pollution Bill will incorporate the revised annexes I and II and therefore ensure that New South Wales legislation is consistent with internationally agreed standards for the prevention of pollution from oil and noxious liquid substances.

Annexes III, IV and V deal with pollution from harmful substances carried in packaged form, sewage and garbage from ships respectively. While these annexes were incorporated into Commonwealth legislation between 1990 and 2004 under the Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983, these annexes have not yet been incorporated into New South Wales legislation. In 1987 the Australian Transport Advisory Council agreed that Commonwealth legislation on each MARPOL annex would apply to State waters until a State introduced its own legislation for that annex. The purpose of this agreement was to ensure the timely implementation of the respective MARPOL annexes in all Australian waters. It was also agreed that Commonwealth legislation would be progressively rolled back once the States enacted legislation to give effect to the convention.

The Marine Pollution Bill will incorporate into New South Wales legislation MARPOL annexes III, IV and V and thereby enable this State to regulate and enforce those annexes in its coastal and port waters. MARPOL annex III contains requirements for the prevention of pollution by harmful substances in packaged form such as freight containers, portable tanks or road and rail tank wagons. These harmful substances are defined in the International Maritime Dangerous Goods Code as items such as explosives, flammables, radioactive and corrosive substances. MARPOL annex IV deals with the prevention of pollution of the sea by

sewage from ships. The annex applies to ships that are 400 gross tonnes and above or ships that are certified to carry more than 15 persons. Annex IV contains requirements regarding the discharge of sewage into the sea such as sewage treatment and discharge requirements, the provision of facilities at ports for the reception of sewage and requirements for survey and certification of ships.

The bill seeks to introduce two additional local requirements to minimise the impacts of sewage from ships in New South Wales port and coastal waters. First, the masters of large ships will be required to report to the Minister any incident whereby a sewage treatment system fails or malfunctions while in port. This is necessary to ensure that appropriate action can be taken to protect human health and the environment from the impacts of untreated or inadequately treated sewage. The bill will also limit the defence that currently exists in MARPOL annex IV that allows large ships to discharge treated sewage. This defence will not apply in zones, prescribed by the regulations, where it is determined that the discharge of treated sewage in such areas would present an unacceptable risk to human health and/or the environment. I understand the shipping industry has been consulted on both of these local additional requirements and that no major concerns have been raised.

MARPOL annex V contains requirements for the prevention of garbage pollution from ships such as plastics, food waste, and domestic and operational waste, excluding fresh fish, generated during the normal operation of the vessel. Annex V also provides details on how garbage should be disposed of aboard ships, including the distance from land that garbage may be disposed of. Importantly, annex V prohibits the disposal of any types of plastics anywhere into the sea. As a result of these various MARPOL provisions the bill will ensure that New South Wales legislation is consistent with internationally and nationally agreed best practice standards for managing various types of pollution from vessels. The bill shall place no significant additional requirements on the shipping industry. This is because Commonwealth legislation already applies in State waters if a State does not have complementary legislation for a specific annex of the convention.

In addition to incorporating the various MARPOL annexes into New South Wales legislation, the Marine Pollution Bill will also introduce a number of miscellaneous provisions to clarify the intent of the Act and further protect New South Wales coastal and port waters from the harmful effects of pollution from ships. For example, the bill clarifies that the New South Wales jurisdiction for marine pollution is limited to three nautical miles from the coast. This clarification is necessary due to the uncertainty that currently exists on whether the Act extends to three or twelve nautical miles from the coast. The intention of the 1987 Act was to provide jurisdiction to three nautical miles from the coast consistent with the territorial sea of Australia at the time. Since 1987, the limit of the territorial sea of Australia has been extended to twelve nautical miles.

In addition, the New South Wales Crimes at Sea Act 1998 extends New South Wales jurisdiction for criminal offences to twelve nautical miles from the coast, thereby raising a further uncertainty over the jurisdictional limit of the Marine Pollution Act. The Marine Pollution bill therefore seeks to restore the intent of the original legislation and confirm that New South Wales jurisdiction under the new Marine Pollution Act is limited to three nautical miles from the coast. The bill also seeks to confirm the original intent of the Act with respect to pollution from vessels involved in transfer operations. Transfer operations include the transfer of oil from a ship to an onshore refinery or the transfer of oil between ships. The 1987 Act provides more limited defences for discharges involving transfer operations than for discharges directly from ships.

The 1987 Act also has a limited definition of transfer operations and makes the relevant offences inappropriate if a discharge occurs directly from a ship, even if the ship is involved in a transfer operation. In 2003 the Land and Environment Court dismissed a prosecution arising from an oil spill that occurred during a transfer operation. As a result of this ruling, a broader range of defences were made available for oil spills arising from transfer operations than were intended under the Act. To address this matter the bill clarifies that discharges associated with transfer operations involving ships should be prosecuted under the part of the Act concerning transfer operations.

The bill will enable the Minister for Roads and Ports—the great Minister that he is—to issue verbal directions to prevent or minimise the discharge of pollution from vessels. Currently the Minister is required to give such directions in writing—a requirement that is cumbersome and inefficient for the purposes of taking prompt action to prevent pollution of the sea, especially during severe weather conditions. To ensure this direction-giving power can more effectively be carried out in the future this bill will allow the Minister to give such directions verbally, and that would then be followed up with a direction in writing within 72 hours. This is consistent with the approach taken to clean-up directions and notices issued under the Protection of the Environment Operations Act 1997.

The bill will also provide authority to the Minister to gain entry onto any premises to undertake preventative or clean-up action. This is necessary because combating oil pollution requires access to foreshores

and on occasions this may require access through private property. This will be consistent with the Protection of the Environment Operations Act 1997, which includes similar power of entry provisions. The Marine Pollution Act already provides an offence for wilfully obstructing a person who is acting in compliance with a marine pollution prevention notice. The bill will introduce a similar offence for obstructing a person who is taking action on behalf of the Minister to prevent or clean up marine pollution. Existing New South Wales marine pollution response plans are tried and tested and the arrangements in place already encompass a coordinated approach involving a range of organisations and provide for the inclusion and management of volunteers. As a result of amendments moved in the other place, this Government has agreed to include in this bill a provision for the establishment of a consultative committee, the Oiled Wildlife Care Network, to advise on marine pollution response preparedness.

The Local Court can impose a maximum penalty under the Act of \$11,000. I understand that oil spill offences are not being prosecuted in the Local Court because penalties for such offences are generally greater than \$11,000. As a result, Marine Pollution Act offences are generally prosecuted in the Land and Environment Court at much greater cost to both the prosecution and the defence. The bill proposes to increase the jurisdictional limit of the Local Court to \$55,000 for offences under the Marine Pollution Act and regulation. This will enable more offences to be prosecuted in the Local Court and reduce the cost of prosecuting and defending many offences under the Marine Pollution Act. Both the Chief Magistrate of the Local Court and the Chief Judge of the Land and Environment Court have been consulted on this proposal and have raised no concerns.

The bill also makes a number of minor administrative amendments such as the terminology associated with the service of summonses. The service of summonses is not relevant to prosecutions brought in the Local Court, therefore the bill refers to "court attendance notice or other process". This will ensure the Act uses the appropriate terminology with respect to all prosecutions under this Act. The bill will also ensure that ships detained under the Marine Pollution Act are not also subject to the exercise of a power of seizure under the Commonwealth Personal Property Securities Act 2009.

Currently MARPOL annexes I and II are incorporated in schedules of the Marine Pollution Act that comprise 212 pages. The bill will significantly streamline the legislation by calling up each MARPOL annex by referring to electronic copies on the Australian Maritime Safety Authority website instead of including them in full in the Act. By calling up each MARPOL annex by reference, this bill will also reduce the need to make additional amendment to the legislation in the future as MARPOL annexes are revised internationally. On such occasions when MARPOL annexes are revised internationally, the Australian Maritime Safety Authority consults with each jurisdiction and coordinates Australia's input on the proposed amendments to the International Maritime Organization.

The new Act will be modernised, compared to the 1987 Act, by using a simplified structure and modern terminology. The former New South Wales Maritime has consulted with key stakeholders on the bill. These stakeholders include the three New South Wales port corporations, various New South Wales government agencies, the Australian Maritime Safety Authority and various industry representatives. The Australian Government has also consulted with relevant stakeholders on the implementation of each MARPOL annex in Australia before incorporating the respective annexes into Commonwealth legislation.

In summary, the Marine Pollution Bill will improve the protection provided to New South Wales coastal and port waters in a number of ways. Incorporating the revised annexes I and II and annexes III, IV and V into a new Marine Pollution Act will ensure New South Wales legislation is consistent with internationally and nationally agreed best practice standards for managing various types of pollution from vessels. It will provide New South Wales with the ability to enforce and prosecute the various types of pollution from harmful substances in packaged form, sewage and garbage from ships. And it will incorporate a number of miscellaneous amendments to clarify the intent of the legislation and the level of protection provided from the harmful impacts of pollution on New South Wales port and coastal waters. I commend the bill to the House.

Mr ROBERT FUROLO (Lakemba) [10.19 a.m.]: I am pleased to lead for the Opposition in debate on the Marine Pollution Bill 2011. I indicate at the outset that the Opposition will not oppose this bill. The stated aim of the Marine Pollution Bill is to protect the marine and coastal environment of our State from oil and other pollutants discharged from ships. The bill will repeal the Marine Pollution Act 1987 and will implement additional provisions of the International Convention for the Prevention of Pollution from Ships 1973, known as MARPOL.

Given that the Act was introduced by a former Labor Government and that it is consistent with the Maritime Legislation Bill introduced by the Federal Labor Government, it should be clear that we have supported and always will support legislation that protects the quality of our precious waterways. The importance of our State's waterways to the people of New South Wales cannot be overestimated. It is where the vast majority of our population choose to live and is the source of recreation and employment, trade and cultural activities for many people. Our marine environment is central to our way of life—it feeds us and sustains us and it is where we work and play. As I have outlined, it has been Labor governments that have had the insight and the foresight to provide legislative protection for our waters.

In 2002 the Labor Government made significant amendments to the 1987 Act in response to the discharge of crude oil by the *Laura D'Amato*, which occurred in Sydney Harbour in 1999. The changes made in 2002 significantly increased the penalties that were available at that time. The maximum penalty for corporations increased from \$1.1 million to \$10 million and the maximum penalty for individuals increased from \$220,000 to \$500,000. Other changes made in 2002 included a requirement for ships to be properly maintained and that vessels entering New South Wales must have evidence of insurance to cover the damage caused by oil spills. The *Laura D'Amato* spill in Sydney Harbour serves to remind us that oil spills and the damage they can cause are not just events that happen to someone else in other parts of the world.

The scale of the spill does not have to be in the order of the infamous *Exxon Valdez* spill in 1989 for the impact on the environment to be significant. In 2010-11 there were a number of minor shipping incidents in New South Wales waters, the most significant being a spill of about 12 tonnes of heavy fuel oil at the Kooragang Basin in the Port of Newcastle in August 2010. Some of the oil entered the Hunter River and a clean-up of mangrove and saltbush areas was required. The clean-up and response to the oil spill took four weeks to complete. This is why the Opposition supports this bill. We need to deter irresponsible and reckless behaviour that will damage our marine environment. We need strong penalties to send clear messages to operators that we expect the highest standard of protection for our waterways. We share this common goal with the great shipping nations of the world.

The Marine Pollution Act is the main mechanism by which the International Convention for the Prevention of Pollution from Ships is given effect in New South Wales waters. MARPOL is one of the most important international conventions. Its purpose is to minimise pollution of the seas. As at 2010, 150 countries were signatories to the convention, covering well over 90 per cent of the world's shipping by tonnage. Since MARPOL came into force and since the enactment of the Marine Pollution Act 1987, MARPOL has been significantly amended, and annexes to prevent pollution by harmful substances in packaged form and sewage and garbage have been added.

The bill before the House seeks to replace the Marine Pollution Act 1987 and gives effect to changes made to MARPOL since its enactment. The bill carries forward the provisions of the 1987 Act and incorporates amendments made to MARPOL in relation to oil and noxious liquid substances as well as incorporating annexes III, IV and V, relating to harmful substances in packaged form, sewage and garbage. The bill preserves important aspects of the 1987 Act, including provisions for the recovery of costs, expenses and damages. There are new provisions in relation to marine pollution clean-up notices, marine pollution prevention notices and marine pollution prohibition notices.

Unfortunately, there have been a few recent incidents that remind us of the need to be vigilant when it comes to the protection of our coastal waters. In 2009 the *Pacific Adventurer* lost 31 containers of ammonium nitrate while en route to Brisbane from Newcastle. In 2010 the *Shen Heng* ran aground in the region of the Great Barrier Reef, resulting in about four tonnes of fuel oil being spilt. As a consequence, the Commonwealth Government has implemented a number of measures to improve safe navigation, such as updating the penalty and offence provisions in Commonwealth legislation.

The bill seems to be generally in line with the Maritime Legislation Bill, which was passed by the Australian Parliament last year. Again, these important reforms to marine protection have been initiated by Labor governments. However, there are a number of discrepancies in the Maritime Pollution Bill, in which the penalties seem to be significantly less than those provided in the Commonwealth legislation. For example, the bill proposes a penalty of up to \$10 million for the discharge of oil while the Commonwealth penalty is now \$11 million. However, the greatest gap is in relation to the penalty for individuals. In the Commonwealth legislation, individuals face a penalty up to \$2.2 million for the discharge of oil. The bill proposes a penalty of up to \$500,000.

We are also concerned about how the provisions relating to penalties against crew members will be implemented. We put on record our concerns in this regard. There is no doubt that those responsible for the pollution of our waters should be penalised if they have conducted their activities without due care and responsibility. As an owner or operator of a ship, or as the master of a ship, they are clearly responsible for the operation of the ship. But an employee—a crew member—should not bear the burden of responsibility for the ship owner. We do not want to see a situation whereby the master of the ship or the owner and operator of a ship evade their responsibility by shifting the blame to a crew member, someone who is only doing what he or she is told and who does not have the means to mount a defence.

However, we have raised this matter with the Minister, and advice provided by him has indicated that the intention of these provisions is not to detract from the responsibility of the owner, the operator or the master of a ship. Instead, the ability to penalise crew members and individuals for pollution offences is to ensure all people responsible for a pollution occurrence, in addition to the owner, the operator and the master of the ship, are held to account. Members will be all too aware of the grounding of the *Rena* in October last year in the Bay of Plenty in New Zealand. Nearly four months on, the salvage and clean-up operation is continuing.

With the reported cost of the *Rena* clean-up estimated to be about \$130 million, which does not include the cost of the damage caused to the marine environment, there is no doubt we need to ensure we have the regulatory powers to deter and prosecute reckless behaviour by shipping companies. If the Marine Pollution Bill helps the owners, operators and masters of ships to be more diligent about their operations and helps to prevent such damage to our marine environment, then Labor will support the bill. I also put on record my appreciation for the work of the Minister and his office in briefing the Opposition on the bill and for taking on board suggestions made in the other place by the Opposition and incorporating those suggestions in the form of amendments in the bill.

Mrs LESLIE WILLIAMS (Port Macquarie) [10.27 a.m.]: I support the Marine Pollution Bill 2011. Given Australia's lengthy, isolated coastline and the fact that Australia has the fifth largest shipping task in the world, the risk of any type of pollution from ships in Australian waters is always present. As more ships visit the New South Wales coast the risk of a major shipping incident also increases. Such an incident could have a significant environmental impact if oil or other harmful substances were discharged into the water. It would be damaging to our physical environment, our wildlife, and certainly our economy.

The grounding of the *Pasha Bulker* in 2007 demonstrated that a major shipping incident could occur on the New South Wales coast. The incident also demonstrated the importance of having proper legislation in place to respond to such an incident and to ensure that owners of ships can be held accountable for any oil spill response. In New South Wales the Marine Pollution Act has served this function. The 1987 Act's main purpose is to give effect to the International Convention for the Prevention of Pollution from Ships. This convention, commonly referred to as MARPOL, has six annexes, each of which relates to a different form of pollution from ships. Currently, the 1987 Act incorporates only older versions of annexes I and II, which relate to oil and noxious liquid substances. The International Maritime Organization substantially revised both annexes in 2004. The remaining four annexes, which relate to packaged harmful substances, sewage, garbage and air pollution, have been adopted in Australia but have not been incorporated into New South Wales legislation.

One of the main purposes of the bill is to ensure that New South Wales legislation incorporates the most up-to-date versions of the various MARPOL annexes that relate to marine pollution from vessels. This will ensure that New South Wales legislation is consistent with the various marine pollution prevention standards and requirements in the convention. These various provisions have been agreed to at national and international level. There are other miscellaneous provisions in the bill, which are intended to modernise and clarify the intent of the legislation, and it is these provisions that I would like to speak about. Firstly, the bill will clarify that New South Wales jurisdiction under the new Marine Pollution Act is limited to three nautical miles from the coast.

This jurisdiction is for the purpose of protecting the State's marine and coastal environment from pollution by oil and other marine pollutants that are discharged from ships. That was the original intention of the legislation when it was enacted in 1987. At that time the coastal waters jurisdiction of New South Wales was the same as the territorial sea of Australia, which was initially three nautical miles from the coast. The limit of the territorial sea has since been extended to 12 nautical miles, but New South Wales coastal waters remain limited to three nautical miles. In addition, the current wording in the 1987 Act, when read in conjunction with the New South Wales Crimes at Sea Act 1998, could be interpreted as extending New South Wales jurisdiction to 12 nautical miles.

To provide certainty on the matter, the bill clarifies that New South Wales jurisdiction under the Act is limited to three nautical miles from the coast. The bill also will enable the Minister for Roads and Ports to issue verbal directions to prevent or minimise the discharge of pollutants from vessels. Currently, the Minister can make such direction only in writing, which is cumbersome and inefficient for the purposes of taking prompt action, especially during times of heightened risk, such as severe weather conditions. Problems with these cumbersome arrangements were experienced when responding to shipping incidents during the 2007 storms that resulted in the grounding of the *Pasha Bulker*. The bill will ensure that, in future, the Minister's directions to prevent or minimise the discharge of pollutants from vessels can be made verbally, so long as these directions are followed up by a direction in writing within 72 hours. This is similar to the approach taken with clean-up directions and notices issued under the Protection of the Environment Operations Act.

The bill also clarifies the defences that are available when an oil spill results from a transfer operation. By way of background, when the 1987 Act was introduced, it was intended that only limited defences would be available for oil spills from ships during transfer operations. However, in 2003 the Land and Environment Court took the view that an oil spill associated with a transfer operation involving a ship be prosecuted as an oil spill from a ship. This effectively provided a greater number of defences for oil spills from ships during transfer operations than was originally intended. The bill therefore will clarify that all discharges associated with transfer operations should be prosecuted as such, even if they come from a ship involved in a transfer operation. That will limit the defences available for these types of offences, as originally intended. The bill will significantly streamline the legislation by calling up each annex by referring to electronic copies on the Australian Maritime Safety Authority website. The current Act includes annexes I and II as schedules, which account for 212 pages of that Act.

By calling up each MARPOL annex by reference, this bill also will reduce the need to make additional amendment to the legislation in the future as MARPOL annexes are revised internationally. On such occasions when MARPOL annexes are revised internationally, Australian input is provided to any proposed amendments through the Australian Maritime Safety Authority. These and the other proposed amendments will clarify the intent and improve the operation of marine pollution legislation in New South Wales and, in turn, will improve the protection of New South Wales waters from the effects of pollution from ships. Marine pollution response arrangements in New South Wales have been tried and tested. These response arrangements bring together relevant organisations that provide expertise and coordination. They also contain provision for the inclusion and management of volunteers. Nonetheless, to have this legislation passed in the other place the bill also proposes the establishment of a consultative committee to advise on marine pollution response preparedness. I commend the bill to the House.

Mr BRUCE NOTLEY-SMITH (Coogee) [10.33 a.m.]: I support the Marine Pollution Bill 2011, which provides a number of improvements to marine pollution legislation in New South Wales that will enhance the protection provided to New South Wales waters from pollution by oil and other marine pollutants that are discharged from ships. The grounding of the *Pasha Bulker* in 2007 demonstrated the ever-present threat of a major shipping incident occurring on the New South Wales coast. The *Pasha Bulker* episode also demonstrated the importance of having effective legislation in place to ensure public safety and to ensure that owners of ships are held accountable. The protection of our coastal waters is of particular interest to my constituents of Coogee, which is an electorate with a fabulous and much-cherished coastline.

Mr Jamie Parker: Hear! Hear!

Mr BRUCE NOTLEY-SMITH: Indeed. The bill brings the existing legislation up to scratch to ensure that current best practice standards for addressing pollution from ships are incorporated into New South Wales legislation. With such a lengthy isolated coastline and some of the longest shipping lanes in the world, the risk of any type of pollution from ships in Australian coastal waters is ever-present. As shipping increases along the Australian coast, the risk of a major pollution incident also increases and with it the risk of oil or other harmful substances being discharged into our waterways. The defects of a spill on our physical environment, our wildlife and our economy would be substantial. The New South Wales Government has the responsibility to do everything within its power to prevent such an occurrence. Currently, the Marine Pollution Act 1987 addresses that function.

When the Marine Pollution Act was introduced, its main purpose was to incorporate annexes I and II of the International Convention for the Prevention of Pollution from Ships, which is commonly known as MARPOL, into New South Wales legislation. The annexes address the impacts of oil and liquid substances from ships respectively. However, since 1987 annexes I and II have undergone several revisions, including a major

review by the International Maritime Organization in 2004. Fortunately, the previous Government was not so quick to respond to those changes, and we are left with outdated shipping laws in the form of the Marine Pollution Act 1987. New South Wales authorities currently are hamstrung by their small jurisdiction and weak powers.

This bill will incorporate into New South Wales legislation revised annexes I and II and thereby ensure that New South Wales legislation adopts nationally and internationally agreed best practice standards to address those two forms of pollution in New South Wales waters. The bill also introduces into New South Wales legislation MARPOL annexes III, IV and V, which relate to harmful substances in packaged form, sewage and garbage from vessels respectively. Those annexes have been ratified internationally and incorporated into Australian legislation since the Marine Pollution Act 1987 was introduced to Parliament. Incorporating those annexes by reference into New South Wales legislation will provide New South Wales with the ability to enforce and prosecute the various types of pollution caused by harmful substances in packaged form, sewage and garbage from ships in coastal and port waters. This is something that New South Wales authorities previously have been unable to accomplish.

The bill also includes a number of miscellaneous provisions to clarify the intent of the Act and improve the capacity of the New South Wales Government and the three port corporations to protect our coastal and port waters. The bill will clarify that New South Wales jurisdiction over coastal waters is limited to three nautical miles from the coast for the purpose of protecting the State's marine and coastal environments from pollution by oil and other pollutants that are discharged by ships. That was agreed to by all parties in 1979 as part of the Offshore Constitutional Settlement. When the 1987 Act was enacted, the coastal waters jurisdiction of New South Wales was the same as the territorial sea of Australia, which was initially three nautical miles out from the coast.

The limit of the territorial sea since has been extended to 12 nautical miles, but New South Wales coastal waters remain limited to three nautical miles. The introduction of the New South Wales Crimes at Sea Act 1998 also has raised some doubts about whether New South Wales jurisdiction, for the purpose of responding to pollution from ships, has been extended to the 12 nautical mile limit. As a result, the bill clarifies that New South Wales jurisdiction is limited to three nautical miles from the coast for the purpose of protecting the State's marine and coastal environment from pollution by oil and other pollutants that are discharged from ships. Additionally, the bill will improve the process that the Minister for Roads and Ports uses to issue directions to prevent the discharge of pollution from ships. Currently, such directions must be made in writing, which is not always possible during emergency situations.

The bill will enable directions to be issued verbally, provided they are followed up in writing within 72 hours. This will substantially improve the efficiency of issuing directions to prevent the discharge of pollutants from ships. Currently, the jurisdictional limit for penalties in the Local Court is \$11,000. Since offences under the Marine Pollution Act are generally greater than \$11,000, there is a tendency to prosecute such cases in the Land and Environment Court. This involves significantly higher costs for both parties that may be disproportionate to the penalty. An increase of the Local Court jurisdictional limit to \$55,000 for offences under the Marine Pollution Act would enable more offences to be prosecuted in the Local Court. This would reduce the cost of prosecuting and defending many offences under the Marine Pollution Act. I understand that both the Chief Magistrate of the Local Court and the Chief Judge of the Land and Environment Court have indicated that they support this proposal.

The bill introduces two key amendments to improve the Minister's capacity to clean up marine pollution from ships. First, the bill will enable the Minister to gain access to private premises in order to take action to prevent or clean up marine pollution. A similar general power of entry also exists in the Protection of the Environment Operations Act 1997. Secondly, the bill will introduce an offence for obstructing the Minister from taking action to prevent or clean up marine pollution. An offence already exists for wilfully obstructing a person who is acting in compliance with a notice under the Marine Pollution Act.

This bill will extend such an offence to the obstruction of the Minister, or his delegates, from executing their function. The bill ensures that New South Wales legislation continues to protect New South Wales waters from the impacts of pollution from ships, so that New South Wales residents may continue to enjoy our magnificent waterways for years to come. The bill modernises and improves the efficiency of the existing legislation by ensuring that best practice standards relating to marine pollution are incorporated into law. I congratulate the Minister on his hard work to bring New South Wales laws up date, and I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [10.42 a.m.]: The Greens support the Marine Pollution Bill 2011. I note that students are present in the public gallery. It is valuable for them to listen to debate on this important

piece of legislation which helps to reduce marine pollution. The Greens believe the bill should be amended, but we support the thrust of the bill. The bill implements obligations under the International Convention for the Prevention of Pollution from Ships. In my electorate of Balmain we see many recreational vessels in Blackwattle Bay, around Glebe Island, in White Bay and around the coastline. This legislation will address the offence of dumping, which too often is seen from vessels and pollutes our marine environment.

The Commonwealth legislation applies in New South Wales and other States, until such time as the States implement their own legislation. The New South Wales Marine Pollution Act 1987 implements annexes of the International Convention for the Prevention of Pollution from Ships, which is commonly known as MARPOL. This bill will replace and update that Act to implement more recent annexes of the International Convention for the Prevention of Pollution from Ships, as well as other important updates. The main purpose of the bill is to replace the Marine Pollution Act 1987 to incorporate recent amendments that have come into effect since 1987.

The bill carries forward the provisions of the 1987 Act and incorporates amendments made by the International Maritime Organization to the annexes of the International Convention for the Prevention of Pollution from Ships regarding oil and noxious liquid substances. It incorporates annexes of the International Convention for the Prevention of Pollution from Ships which relate to harmful substances in package form, sewage and garbage and other miscellaneous provisions in relation to: limiting the operation of the Act to three nautical miles; the service of summonses; pollution arising from transfer operations; the provision of notices under the Act reporting any malfunction in sewage treatment systems; increasing the maximum penalty that can be imposed by the Local Court; the detention of ships; verbal directions to prevent the discharge of pollutants from vessels; the authority to enter premises to undertake preventative or clean-up action; and obstruction offences. Importantly, the bill introduces the ability to prescribe no-discharge zones for treated sewage.

Those provisions are overdue and well supported. As the member for Coogee said, the 1987 Act required updating, and we welcome the Government introducing this bill. However, I ask the Government to consider a few measures, in particular, the enabling of civil proceedings for offences in addition to criminal proceedings and the adoption of open standing provisions in relation to prosecutions. As many members would know, open standing provisions are similar to those that exist in section 252 of the Protection of the Environment (Operations) Act and section 123 of the Environmental Planning and Assessment Act. The Greens are of the view that enabling open standing provisions to bring prosecutions would be valuable in this case, as well as enabling civil proceedings in addition to criminal proceedings.

It is important to acknowledge that a key area of marine pollution is the loss of fishing gear. I do not just mean the fishing tackle of individual recreational fishers, which we often see at wharves, but also large-scale fishing tackle. Accidental loss of fishing gear is exempt from the garbage offences if "reasonable precautions" were taken to prevent the loss. This is consistent with the International Convention for the Prevention of Pollution from Ships and it is up to the court to decide what constitutes "reasonable precautions". However, as many members know, loss of fishing gear is a major source of marine debris that is harmful to wildlife. Many of us have seen fishing nets and other fishing gear loose in the sea. If we do not take measures to prevent the loss of fishing gear, it will continue to entrap marine life with significant consequences.

The Greens consider that as the loss of fishing gear is major debris that is harmful to wildlife, it would be a positive measure to include provisions in the bill to address this situation. We also believe that there should be an increased onus on shipping vessels to minimise this source of pollution. While nets must be registered, there is no requirement in the Act or in the fisheries legislation to report lost nets. I foreshadow that The Greens in the other place will propose an amendment so that attempts must be made to retrieve lost nets and losses must be reported. That will bring the legislation in line with the national threat abatement plan for marine debris. The Greens will propose this amendment for the consideration of the Government. The legislation, which updates the 1987 Act, is a positive step forward. But we believe three issues need to be addressed: enabling open standing provisions to bring prosecutions, enabling civil proceedings as well as criminal proceedings, and requiring commercial fishing vessels to retrieve lost fishing gear and report any losses.

Mr MARK SPEAKMAN (Cronulla) [10.47 a.m.]: I support the Marine Pollution Bill 2011. The bill provides a number of improvements to marine pollution legislation in New South Wales that will enhance the protection of New South Wales waters from pollution by oil and other marine pollutants discharged from ships. The bill will modernise and improve the efficiency of the legislation and ensure that current best practice standards for addressing pollution from ships are incorporated into New South Wales legislation. With such a lengthy, isolated coastline and the fifth largest shipping task in the world, the risk of any type of pollution from

ships in Australian coastal waters is always present. As more ships visit the New South Wales coast the risk of a major shipping incident increases and with it the risk of oil or other harmful substances being discharged into the water. This would be damaging to our physical environment, our wildlife and our economy.

In view of the risks and the consequences of major pollution from a ship incident in New South Wales waters, it is essential to have robust legislation in place that addresses marine pollution from ships. In New South Wales the Marine Pollution Act 1987 serves this function. The main purpose of that legislation when it was introduced was to incorporate annexes I and II of the International Convention for the Prevention of Pollution from Ships, commonly referred to as MARPOL, into the New South Wales legislation. Those annexes addressed the impacts of oil and other noxious liquid substances from ships respectively. However, since 1987 both annexes I and II have undergone substantial revisions, including a major review by the International Maritime Organization in 2004. The bill will incorporate by reference into New South Wales legislation the revised annexes I and II and thereby ensure New South Wales legislation adopts nationally and internationally agreed best practice standards to address these two forms of pollution in New South Wales waters.

The bill will also introduce into New South Wales legislation MARPOL annexes III, IV and V, which relate to harmful substances in packaged form, sewage and garbage from vessels. These annexes have been ratified internationally and incorporated into Australian legislation since the Marine Pollution Act 1987 was introduced into Parliament. Incorporating these annexes by reference into New South Wales legislation will provide New South Wales with the ability to enforce and to prosecute the various types of pollution from harmful substances in packaged form, sewage and garbage from ships in New South Wales coastal and port waters. The bill also introduces a number of miscellaneous provisions to clarify the intent of the Act and to improve the capacity of the New South Wales Government and the three port corporations to protect our coastal and port waters.

For example, the bill will clarify that New South Wales jurisdiction over coastal waters is limited to three nautical miles from the coast for the purpose of protecting the State's marine and coastal environments from pollution by oil and other marine pollutants discharged from ships. This was agreed to by all jurisdictions in 1979 as part of the Offshore Constitutional Settlement. When the 1987 Act was enacted, the coastal waters jurisdiction of New South Wales was the same as the territorial sea of Australia, which was initially out to three nautical miles from the coast. The limit of the territorial sea has since been extended to 12 nautical miles, but the New South Wales coastal waters remain limited to three nautical miles. The introduction of the New South Wales Crimes at Sea Act 1988 has also raised some doubts about whether New South Wales jurisdiction for responding to pollution from ships has been extended to 12 nautical miles. To clarify the intent of the original legislation, the bill provides that New South Wales jurisdiction is limited to three nautical miles from the coast for the purpose of protecting the State's marine and coastal environment from pollution by oil and other marine pollutants discharged from ships.

Additionally, the bill will improve the process for the Minister for Roads and Ports to issue directions to prevent the discharge of pollution from ships. Currently, such directions must be made in writing, which is not always possible during emergency situations. This bill will enable those directions to be issued orally, provided they are followed up in writing within 72 hours. This will improve the efficiency of issuing directions to prevent the discharge of pollutants from ships. The jurisdictional limit for penalties in the Local Court is \$11,000. Since offences under the Marine Pollution Act are generally greater than \$11,000, there is a tendency to prosecute these cases in the Land and Environment Court. That involves significantly higher costs for both parties that may be disproportionate to the penalty.

An increase of the Local Court jurisdictional limit to \$55,000 for offences under the Marine Pollution Act would enable more offences to be prosecuted in the Local Court. This would reduce the cost of prosecuting and defending many offences under the Marine Pollution Act. I understand that both the Chief Magistrate of the Local Court and the Chief Judge of the Land and Environment Court have indicated that they do not object to this proposal. The bill introduces two key amendments to improve the Minister's capacity to prevent or to clean up marine pollution from ships. First, the bill will enable the Minister to gain access to private premises in order to take action to prevent or to clean up marine pollution. A similar general power of entry also exists in the Protection of the Environment Operations Act 1997.

Second, the bill will introduce an offence of obstructing the Minister from taking action to prevent or to clean up marine pollution. An offence already exists for wilfully obstructing a person who is acting in compliance with a notice under the Marine Pollution Act. The bill will extend that offence to obstructing the Minister or his or her delegates from taking action to prevent or to clean up maritime pollution. The bill will

ensure that New South Wales legislation continues to protect our waters from the impact of pollution from ships for the benefit of all residents. The bill also will modernise and improve the efficiency of the legislation and ensure that modern best practice standards for addressing pollution from vessels are incorporated into New South Wales legislation. I support the Marine Pollution Bill and I commend it to the House.

Mrs BARBARA PERRY (Auburn) [10.54 a.m.]: The Marine Pollution Bill 2011 will replace the Marine Pollution Act 1987, the main Act that governs pollution in coastal and port waters from shipping. The 1987 Act, which was introduced by a former Labor Government, covers pollution from causes both accidental and operational and outlines the powers to inspect and detain ships involved in pollution incidents. As the Minister for Roads and Ports said in the other place, the bill seeks to replace the current Act, to modernise the legislation and to give effect to Australia's ratification of further amendments and provisions of the International Convention for the Prevention of Pollution from Ships 1973, also known as MARPOL, and thus aims to enhance the protection of coastal and port waters of New South Wales.

MARPOL is an important international convention with the objective to preserve the marine environment through the complete elimination of pollution by oil and other harmful substances such as chemicals, sewage and garbage and the minimisation of accidental discharge of such substances. The bill has bipartisan support and is complementary to State and Federal legislation. It has been developed after extensive consultation with State and Federal governments, as well as with key government and stakeholder groups. I am pleased that last year the Federal Government passed the Maritime Legislation Amendment Bill, which sought to deter shipping companies and their crews from engaging in unsafe and irresponsible actions at sea, particularly near Australia's environmentally sensitive marine ecosystem. It included new and expanded offences and civil penalty provisions.

In this House and in the community, we would all recognise the need to protect our waterways from pollution. We may remember the discharge of crude oil by the *Laura D'Amato* that occurred in Sydney Harbour in 1999. But the impact was really brought home when the Chinese bulk carrier *Shen Neng* ran aground near the Great Barrier Reef and we watched in horror as around four tonnes of fuel oil was released into waters adjacent to the reef. It is unfortunate that so often we have a kneejerk reaction to pollution. As Joni Mitchell sang, "Don't it always seem to go, that you don't know what you've got till it's gone". We watch in horror as beautiful things that we have taken for granted are destroyed. We then realise the value of what we have lost and we increase penalties to ensure it does not happen again. It is important that we put in place provisions to ensure that pollution does not happen in the first place, as well as to prepare in the event of accident for the recovery of costs and damages as a result of pollution.

I compliment my colleague in the other House the shadow Minister for the Environment, the Hon. Luke Foley, who has put so much work into the amendments to this bill, which he helped initiate in the other place, in relation to the preservation of wildlife in the event of a spill. Those amendments enhance the bill and ensure that we are prepared in the event of a spill and that the clean-up of accidents is done in the most efficient and effective way possible. As the Hon. Luke Foley said, we must ensure that plans are in place for vulnerable locations and ecosystems. It is pleasing to see the bipartisan way with which this bill has been conducted through this House. I commend this bill to the House.

Mr JAI ROWELL (Wollondilly) [10.59 a.m.]: I support the Marine Pollution Bill 2011 which makes a number of improvements to the Marine Pollution Act 1987. These improvements will enhance the protection that is provided to our waters from marine pollutants, such as oil, that are discharged from ships. The bill will modernise and improve the efficiency of the legislation and ensure that current best practice standards for addressing pollution from ships are incorporated into New South Wales legislation. Ensuring that our legislation meets best practice standards is an important step in this Government's goal to make New South Wales number one again. For 16 years of Labor governance this State was subjected to a failure to keep up to date with best practice. Since our election in March 2011 the Liberal-Nationals Government has strived to rectify that and to get New South Wales back on track and leading the way for other States.

The Marine Pollution Bill 2011 is indicative of the Government's intention to do just that. Staying up to date with best-practice standards in marine care is particularly important because Australia boasts an extensive and isolated coastline. The need to protect against marine pollution is heightened because Australia is susceptible to the risks of pollution from ships in Australian coastal waters as it has the fifth largest shipping task in the world. The risk of harmful substances being released into our waters is increased because the risk of a major shipping incident amplifies with an increasing number of ships visiting our coast. The Liberal-Nationals Government realises the damaging effects that such incidents may have on not only our wildlife but also our physical environment and our

economy. That is a reality this Government is taking seriously. Although the Marine Pollution Act 1987 serves to address those concerns, it has been identified that it no longer meets international standards for best practice because the international convention upon which it drew has since been revised.

The International Convention for the Prevention of Pollution from Ships, known as MARPOL, has undergone major reviews that have resulted in revised versions of annexes I and II. Based on these changes in international standards, the Government has introduced the Marine Pollution Bill 2011 to ensure that New South Wales adopts nationally and internationally agreed best-practice standards by incorporating the revised annexes. To ensure that our legislation reflects best practice, this bill will also incorporate MARPOL annexes III, IV, and V. The significance of these inclusions lies in the Government's ability to enforce standards and to prosecute incidents involving various types of pollution caused by harmful substances in packaged form, sewage and garbage from ships in New South Wales coastal and port waters.

The bill also includes a number of provisions that clarify the intent of the legislation and improve the Government's and the three port corporations' capacity to protect our coastal and port waters. For example, the bill clarifies that New South Wales's jurisdiction over coastal waters is limited to three nautical miles from the coast for the purpose of protecting the State's marine and coastal environments from pollutants discharged from ships. This was agreed to by all jurisdictions in 1979 as part of the Offshore Constitutional Settlement. When the 1987 legislation was enacted, New South Wales's coastal waters jurisdiction was the same as the territorial sea of Australia, which was initially out to three nautical miles from the coast.

The limit of the territorial sea has since been extended to 12 nautical miles, but New South Wales coastal waters remain limited to three nautical miles. To clarify the intent of the original legislation, the bill reiterates that New South Wales's jurisdiction is limited to three nautical miles from the coast for the purpose of protection from pollution by pollutants discharged from ships. Additionally, the bill will improve the process for the Minister for Roads and Ports to issue directions to prevent the discharge of pollution from ships. Currently such directions must be made in writing. This is not always possible or the most effective way to respond to emergency situations. This bill enables such directions to be issued verbally provided that they are followed up in writing within 72 hours. This will ensure that the Government is best equipped to deal with emergency situations in a timely and effective manner.

Enabling the Government to respond promptly to such matters may dramatically reduce the impacts of pollution-related marine emergencies. Furthermore, in order to proactively and promptly respond to incidents of marine pollution, the bill enables the Minister to gain access to private premises to take action to prevent or clean up marine pollution. The bill also specifies that it is an offence to obstruct the Minister or his or her delegates from taking action to prevent or clean up marine pollution. The care of our coastlines is important to this Government and the people of New South Wales. This bill ensures that our legislation continues to protect our State waters from the impacts of pollution from ships for the benefit of all residents. I support the bill and commend it to the House.

Mr JOHN SIDOTI (Drummoynne) [11.04 a.m.]: I support the Marine Pollution Bill 2011. On the morning of 8 June 2007 the Newcastle Port Corporation warned the 56 ships waiting off the coast to load coal that they must move out to sea to escape an approaching storm, but 10 ignored the warning. One of them was the *Pasha Bulker*. When the storm hit, the ship could not clear the coast and breached. The storm continued and the ship became stuck in sand, where it remained for nearly a month. How could we forget the footage? I recall seeing the then Minister for Ports on television wearing a hard hat and commenting on the incident. Although it was empty of cargo, the ship contained 700 tonnes of fuel, 38 tonnes of diesel and about 40 tonnes of lube oil, which was released and had the potential to cause a local ecological disaster. The grounding of the *Pasha Bulker* not only demonstrated that an incident of that kind could occur but also that New South Wales desperately needed legislation that would facilitate our response to such an incident and guarantee that the owners of ships would be held accountable for any oil spills.

The purpose of this bill is to replace the Marine Pollution Act 1987. The main aim of that legislation was to implement the International Convention for the Prevention of Pollution from Ships, commonly referred to as MARPOL. That convention has been signed by more than 130 countries, including Australia, and represents an international commitment to protect the world's oceans from various forms of pollution, including oil, chemicals, sewage and garbage. The proposals in this bill will modernise the existing legislation and give it further authority. It will enhance the protection of all waterways in New South Wales and will give the Government and the three port corporations the power to protect our coast. Importantly, it will bring New South Wales legislation into line with international best practice.

When the potentially damaging *Pasha Bulker* incident occurred the Act was found to be severely limited in its ability to deal with such a crisis. The Act requires the Minister for Roads and Ports to require in writing that certain actions be taken to prevent the discharge of pollutants. That is obviously slow and cumbersome. This bill gives the Minister the power to deliver such instructions verbally, followed by a direction in writing within 72 hours. It will also add MARPOL annexes III, IV and V, which relate to harmful substances in packaged form, sewage and garbage from vessels. This will give New South Wales the ability to enforce and prosecute the various types of pollution caused by sewage and garbage from ships in our coastal waters.

This legislation protects wildlife, the environment and the economy. It enhances best practice, it puts the Government on the front foot, not the back foot, it reduces red tape and it enforces tougher penalties. This is robust legislation that will address marine pollution from ships. This is about modernising and improving the efficiency of legislation and implementing best-practice standards for addressing pollution from vessels. As always, the Government has consulted on this important legislation. I support the bill and commend it to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [11.08 a.m.]: I support the Marine Pollution Bill 2011. This bill will make a number of improvements to marine pollution legislation in New South Wales that will enhance the protection provided to this State's waters from pollution by oil and other marine pollutants discharged from ships. The bill will modernise and improve the efficiency of the legislation and ensure that we have best-practice standards for addressing pollution from ships. My electorate of Myall Lakes extends from Manning Point in the north to Karuah in the south, from Booral in the west to the coast in the east, including all offshore islands. Many of the 70,000 people who live in my electorate depend on tourism for their livelihood.

The region includes one of the State's largest coastal lake systems, which has been declared a Ramsar wetland of international importance. My electorate also has more than 40 kilometres of beaches, giant sand dunes and areas of forest. As I have stated a number of times in this House, Myall Lakes is the greatest place on earth—the best place to live and the best place to holiday because of those natural attributes. Therefore this legislation is important to the people of my electorate. The object of the bill is to protect the State's marine and coastal environment from pollution. It does this by repealing and re-enacting the Marine Pollution Act 1987 which currently prohibits the discharge of oil and noxious liquid substances and by implementing additional provisions of the International Convention for the Prevention of Pollution from Ships 1973 [MARPOL], so as to prohibit also discharges of harmful substances in package form and discharges of sewage and garbage.

With such a lengthy, isolated coastline and the fifth-largest shipping task in the world, the risk of any type of pollution from ships in Australian coastal waters is always present. As more ships visit the New South Wales coast, the risk of a major shipping incident increases and with it the risk of oil or other harmful substances being discharged into the water. This would be damaging to our physical environment, our wildlife and our economy. In view of the risks and the consequences of major pollution from a shipping incident in New South Wales waters it is essential to have robust legislation in place that addresses marine pollution from ships. The Marine Pollution Act 1987 serves this function.

In recent years there have been many significant oil spills created by container ships, oil rigs and platforms, including the *Deepwater Horizon* in the Gulf of Mexico, the *V Rena* in New Zealand, as well as the running aground of the *Pasha Bulker*, which sparked fears of an oil spill at Nobbys Beach on the New South Wales coast, just south of that great electorate of Myall Lakes. Speaking of Myall Lakes, the movie *The Grandmother* is being filmed at Seal Rocks in the Myall Lakes electorate and stars Naomi Watts and a couple of other international actors and actresses. On Friday I will be the official guest at the movie set and next week I will report back on events at Seal Rocks. The Myall Lakes electorate and Seal Rocks location were chosen because of the beautiful coastline. Much of that movie will be filmed on water, which is what will be occurring on Friday—another reason why this legislation is so important.

Significant press coverage and parliamentary debate have occurred over chemical leaks at Orica's manufacturing plants at Port Kembla and Kooragang Island, which led to changes to the Protection of the Environment Operations Act 1997 regarding incident response management plan requirements—requirements that are mirrored in this bill. The Marine Pollution Act 1987 was enacted to adopt annexes I and II of the International Convention for the Prevention of Pollution from Ships 1973. In 2007 the International Maritime Organisation revisions of these annexes came into force. Since the introduction of the Marine Pollution Act 1987, three additional annexes have come into force, both internationally and in Australia.

These annexes have been incorporated into the Commonwealth legislation which has force in New South Wales waters until State legislation is enacted. The bill incorporates both the revised and additional

annexes. When the bill was introduced the main purpose of the Marine Pollution Act 1987 was to incorporate annexes I and II of the international convention. These annexes address the impact of oil and noxious liquid substances respectively from ships. However, since 1987 both those annexes have undergone several revisions, including a major review by the International Maritime Organisation in 2004. This bill will incorporate, by reference into New South Wales legislation, the revised annexes I and II and thereby ensure New South Wales legislation adopts nationally and internationally agreed best-practice standards to address these two forms of pollution in New South Wales waters.

The bill will also introduce into New South Wales legislation MARPOL annexes III, IV and V which relate to harmful substances in packaged form, sewage and garbage from vessels. These annexes have been ratified internationally and incorporated into Australian legislation since the Marine Pollution Act 1987 was introduced into Parliament. Incorporating these annexes by referencing the New South Wales legislation will provide New South Wales with the ability to enforce and prosecute the various types of pollution from harmful substances in packaged form, sewage and garbage from ships in New South Wales coastal waters. The bill will also include a number of miscellaneous provisions to clarify the intent of the Act and to improve the capacity of the New South Wales Government and the three port corporations to protect our coastal and port waters.

For example, the bill will clarify that New South Wales's jurisdiction over coastal waters is limited to three nautical miles from the coast for the purpose of protecting the State's marine and coastal environments from pollution by oil and other marine pollutants discharged from ships. This was agreed to by all jurisdictions in 1979 as part of the offshore constitutional settlement. When the 1987 Act was enacted the coastal waters jurisdiction of New South Wales was the same as the territorial sea of Australia, which was initially out to three nautical miles from the coast. The limit of the territorial sea has since been extended to 12 nautical miles but New South Wales coastal waters remain limited to three nautical miles.

The introduction of the New South Wales Crimes at Sea Act 1998 has also raised some doubts about whether the New South Wales jurisdiction for responding to pollution from ships has been extended to 12 nautical miles. To clarify the intent of the original legislation, the bill clarifies that New South Wales's jurisdiction is limited to three nautical miles from the coast for the purpose of protecting the State's marine and coastal environment from pollution by oil and other marine pollutants discharged from ships. Additionally, the bill will improve the process for the Minister for Roads and Ports to issue directions.

Dr Geoff Lee: A good Minister too.

Mr STEPHEN BROMHEAD: Our very good Minister is doing a fabulous job, notwithstanding the problems we have had with over \$500 million worth of damage caused by the floods in northern New South Wales. The horrific floods in the south will result in far greater damage to our roads.

Dr Geoff Lee: So he has a bigger task on his hands. He is a good Minister to do that.

Mr STEPHEN BROMHEAD: The Minister for Roads and Ports is a good Minister to do that. The bill will improve the process for the Minister for Roads and Ports to issue directions to prevent the discharge of pollution from ships. Currently, such directions must be made in writing which is not always possible during emergency situations. The bill will enable such directions to be issued verbally, provided they are followed up in writing within 72 hours. This will improve the efficiency of issuing directions to prevent the discharge of pollutants from ships. In places such as Port Hunter off Newcastle dozens and dozens of ships anchor outside the port, within three nautical miles of the coast, and they wait for a turn to go into the port.

Anyone flying over those ships would see the plumes being discharged from them—a matter of concern to everyone as they carry ballast and we are unaware of what they are discharging into our waters. The jurisdictional limit for penalties in the Local Court is \$11,000. Since offences under the Marine Pollution Act are generally greater than \$11,000 there is a tendency to prosecute such cases in the Land and Environment Court. This involves significantly higher costs for both parties which might be disproportionate to the penalty. I commend the bill to the House.

Dr GEOFF LEE (Parramatta) [11.18 a.m.]: I support the Marine Pollution Bill 2011 and commend the Minister for Roads and Ports for introducing a bill that will do many good things. The bill will strengthen and modernise the Act, bring it up to date with world's best practice and protect our marine and coastal environment. I also commend the Minister for Transport, who has carriage of the bill in this Chamber. Both Ministers work hand in hand for the betterment of services in New South Wales. The Minister for Transport has implemented a number of wonderful initiatives to get New South Wales moving again and has improved the frequency of transport services in my electorate of Parramatta.

The object of the Marine Pollution Bill is to repeal and re-enact the Marine Pollution Act 1987. It will carry forward the provisions of the 1987 Act but with amendments that will modernise and clarify the intent of the legislation and improve the level of protection provided to the marine environment from the impacts of marine pollution. It will incorporate amendments by the International Maritime Organisation [IMO] to annexes I and II of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the protocol of 1978—these amendments commenced internationally on 1 January 2007.

It will incorporate annexes III, IV and V of the International Convention for the Prevention of Pollution from Ships 1973, which relate to pollution from ships by harmful substances in packaged form, sewage and garbage respectively. It will introduce miscellaneous provisions in relation to limiting the operation of the Act to three nautical miles, enabling the Minister to give verbal notices, the service of summonses, pollution arising from transfer operations, increasing the maximum penalty that can be imposed by the Local Court, detention of ships, overlapping litter and garbage offences in New South Wales legislation, authority to enter premises to undertake preventative or clean-up action, and obstruction offences. The member for Drummoyne cited the example of the *Pasha Bulker* running aground at Nobbys Beach, Newcastle, in 2007 and the potential for marine pollution from the fuel, oil and diesel on board that vessel.

That incident highlighted how sensitive our coastlines are to potential problems. Australia has one of the largest coastlines of any country in the world and is reliant on marine transport not only for imports but also for exports of coal and agricultural products, which form the lifeblood of our economy. As our economy continues to develop we will have more ships and thus the risk of marine pollution will be heightened. Some of the most sensitive marine environments exist in Australian waters and the risk of marine pollution to that sensitive ecosystem and to our economy is significant—namely, clean-up costs, disruption to shipping, impacts on tourism and so forth.

The bill addresses that clear and present danger—the title of a movie that I do not want to be accused of not acknowledging—of major spills. These risks have been identified. The O'Farrell Government is therefore introducing appropriate legislation to protect our coastal and port environments. I note that these provisions are agreed to and in line with national and international standards. They will bring New South Wales up to best practice standards—something for which this Government always strives and achieves because of its tenacity in introducing appropriate legislation. Changes include things such as obstructing the Minister to prevent the clean-up of pollution. It would be ludicrous if the Minister, acting on behalf of the good people of New South Wales, could not direct a clean-up to minimise the damage from pollution.

Another change is the establishment of a consultative committee to advise on pollution management. This will provide a further feedback mechanism from experts progressively managing risk situations so that progressive governments can take action before such incidents occur and the potential risk of marine pollution is minimised. I note that the Minister for Transport, who is at the table, is nodding her head in agreement. Without putting words into her mouth she is acknowledging her concern for our coastal and port environments. The bill also clarifies the three nautical mile limit from the coast referred to in the Marine Act and establishes the different types of pollution, which can be in packaged form, chemical, sewage or oil discharges.

Importantly, it leads to Local Courts being able to prosecute and fine potential polluters up to \$55,000, which relieves some of the burden on the Land and Environment Court—the primary vehicle used for such prosecutions. Nobody understands the marine environment better than a fisherman. Pollution destroys the opportunity for fishing. I have been a fisherman for a long time and I am interested in the marine environment. Fish are like canaries in the coalmine analogy. When fish are in the water the marine environment is okay, but if no fish are in the water the marine environment is not okay. I fish at north Narrabeen and recently saw pods of dolphins swimming there. I have also seen the Manly penguins in the surf and when I had a boat I saw whales swimming off Manly Beach.

We have a rich diversity of marine life so close to Sydney. The electorate of Parramatta is fairly landlocked but we do have a river—one of the few cities to have a major river. In the past nobody cared too much about the Parramatta River and, as a result, it is quite polluted with dioxins, heavy metals and so forth. Even the introduction of European carp has not done the river any good so the Parramatta eels, our namesake, have died out to some extent. I take this opportunity to wish the Parramatta Eels all the best for the upcoming season. This bill establishes best practice standards in New South Wales and streamlines New South Wales legislation. There was a need for these changes. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [11.28 a.m.]: I contribute to debate on the Marine Pollution Bill 2011 which has as its purpose to replace the Marine Pollution Act 1987 to enhance the environmental protection

of New South Wales waters. Members will agree that New South Wales is without a doubt the most beautiful State in Australia; it would hold its own with any region. Our coastline and waterways are the envy of people around the world. Nothing gives me a better feeling than to fly into Sydney and to take in the magnificent harbour and ocean views. I have been lucky enough to have travelled a little in my day and I have seen Hong Kong in the evening and Fisherman's Wharf in San Francisco, but nothing compares to our waterways and oceans. Over the years increasing pressure has been placed on the marine environment.

Internationally, marine protected areas are recognised as a vital tool for the ongoing protection of our marine environment. This bill will incorporate recent amendments to the International Convention for the Prevention of Pollution from Ships 1973 as modified by the protocol of 1978, known as MARPOL. Incorporated will be MARPOL annexes I and II on oil and noxious liquid substances and MARPOL annexes III, IV and V, which relate to harmful substances in packaged form, sewage and garbage respectively. The bill will limit the operation of the Act to three nautical miles, the service of summonses, pollution arising from transfer operations, reporting of any malfunction in sewage treatment systems, no discharge zones for treated sewage, increasing the maximum penalty the Local Court can impose, detention of ships and other miscellaneous provisions.

The bill will endeavour to strengthen the penalties regarding pollution of our wonderful waterways to ensure the future of the marine industry. From Tweed Heads to Eden, all along the New South Wales coastline, seagrass meadows, sponge gardens, rocky reefs and kelp forests are under threat from human activities including inappropriate development, physical destruction, overfishing and everyday pollution by users of our waterways. It is important to note that in this well-thought out legislation each annex has been incorporated into Commonwealth legislation and, in accordance with a 1986 agreement by the then Australian Transport Advisory Council, this legislation applies in State waters until the State has introduced its own complementary legislation for a specific annex of the convention. Once a State enacts legislation to give effect to an annex, the Commonwealth legislation is rolled back. That important point should not be lost on any member in this Chamber.

I have spoken about how proud I am of our wonderful waterways. An example of the importance of protecting our waterways is the health and welfare of that magnificent species, whales. Clean waterways assist our marine life to live and breathe, but if our waters continue to be polluted, these beautiful creatures will not come as close to our coastline as they do now and we will not sight these magnificent mammals. The member for Parramatta said that he was a keen fisherman. I cannot claim to be a fisherman or even to enjoy fishing but it is an important part of Australia's culture and we must ensure that future generations are able to participate in recreational fishing. Although I said I was not a keen fisherman, I am a keen Parramatta supporter so I wish the Eels all the best for the current season.

I am the Chair of the Committee on Environment and Regulation, which is currently undertaking a review into the potential negative effects of wastewater disposal and its impacts on the environment. With the encroachment of development, sewage pollution on our marine estuaries has become a matter of great concern. Oyster farmers can face complete destruction as a result of man-made pollution spread by uncaring people who have no regard for our waterways. An example of this type of destruction lies just to the north of Sydney—the Hawkesbury River, a waterway literally on the doorstep of this city. Without tougher controls and penalties for those who pollute the river, future generations will not be able to enjoy what we now take for granted. We all want our children and grandchildren to be able to enjoy our rivers and coastline for years to come, as we do.

Littering our waterways is no different to littering our highways. Generally we do not immediately see pollution in our waterways; we do not see the damage it causes until after the fact. However, pollution in our waterways is real and must be tackled now. We must give more power to those who can impose penalties on people who do not give our fragile waterway ecosystem the consideration and respect it deserves. The Nepean River in Camden has been polluted from different activities. Council has stopped boating on the river because of erosion of the banks; however, canoeing and other non-motorised water sports are allowed. Many older residents of Camden who grew up in the area speak about swimming and fishing in the river when they were young. If we do not support this waterway, future generations will not be able to have the same experience.

Pollution in our waterways is a problem. This bill will finally give authorities the power to take action to deal with what is considered an unspeakable act of vandalism upon our environment. I commend the Minister for Roads and Ports, the Hon. Duncan Gay, for this bill and for his concern for our wonderful waterways. He has been a tremendous supporter of my electorate of Camden. I know the people of Camden appreciate his

efforts in the same way that I do. The Minister will not mind my mentioning the hard work of his chief of staff, Jaymes Boland Rudder, and other key office staff such as Andrew Huckle, Casey Richardson and Susanna Montrone. I commend them for their hard work, in particular, Casey Richardson for her work on this bill.

I mention also our other wonderful Minister at the table, the Minister for Transport, who has carriage of the bill in this House. Her achievements for this State have been outstanding. Both Minister Gay and Minister Berejiklian are tremendous supporters of my electorate and on behalf of my constituents I thank them wholeheartedly for their wonderful support. This is not the appropriate time to highlight their efforts; I shall do so at a later date. However, I ask Minister Berejiklian to pass on to Minister Gay our heartfelt thanks. This is wonderful legislation from a caring, switched-on, in-tune Minister and I commend it to the House.

Mr ANDREW CORNWELL (Charlestown) [11.38 a.m.]: The purpose of the Marine Pollution Bill 2011 is to replace the Marine Pollution Act 1987 and give effect to Australia's ratification of certain provisions of the International Convention for the Prevention of Pollution from Ships and, in turn, enhance the protection of the coastal and port waters of New South Wales. The current Marine Pollution Act is the main statute in New South Wales governing pollution in coastal and port waters from shipping. The Act covers pollution from both operational and accidental causes, and sets out powers to inspect and detain ships believed to be responsible for such discharges. The main aim of the Act is to implement the International Convention for the Prevention of Pollution from Ships, which is commonly referred to as the MARPOL Convention.

The convention is administered, and modified from time to time, by the International Maritime Organisation. It has been signed by more than 130 countries, including Australia. It represents an international commitment to protect the world's oceans from various forms of pollution from ships, including oil, chemicals, sewage and garbage. Different types of pollution are dealt with in each separate annex of the bill. Annexes I and II came into force in 1983 and 1986 respectively to deal with oil and noxious liquids. The New South Wales Marine Pollution Act was enacted in 1987 and commenced in May 1990 to give effect to MARPOL in New South Wales legislation. The main purpose of the bill is to replace the current Marine Pollution Act to update the legislation and give effect to Australia's ratification of further amendments and provisions in MARPOL.

This will enhance the protection of New South Wales waterways. There are three ways in which this will occur. First, it will adopt revisions to annexes I and II of MARPOL; secondly, it will adopt MARPOL annexes III, IV and V, which relate to marine pollution from harmful substances in packaged form, sewage and garbage respectively; and, thirdly, it will include miscellaneous provisions to clarify the intent of the Act, as well as improve the capacity of the New South Wales Government and the three port corporations to protect our coastal and port waters. The bill will ensure that New South Wales legislation is consistent internationally and nationally. It will provide New South Wales with the ability to enforce and prosecute the various types of pollution in New South Wales waterways. Importantly, the bill will place no additional requirements on the shipping industry.

For my electorate of Charlestown, the bill will provide additional protection for the pristine coastline that we are so fortunate to possess. I will enlighten the House as to some of the wonderful attributes of my electorate, starting at the northern end of the coastal strip. We have a dramatic rocky bluff with Permian coal deposits overlaid with conglomerate, which have over the millennia created a fantastic tumbledown environment that sits atop an ancient rock platform. It is a popular area for schools to take students on excursions because, although it is located close to the heart of one of New South Wales major cities, the environment is still pristine. I think most people remember going there when they were children and poking their fingers into anemones and looking at the wonderfully diverse range of animals and plants in that complex ecosystem that is the rock platform—the inter-tidal zone we refer to that is the interface between marine life and land life. Therefore, it is one of the most important ecosystems in our nation.

Heading south, one arrives at Burwood Beach. Once upon a time Burwood Beach was a polluted part of my electorate because it is where Hunter Water Corporation's major sewerage facility is located. However, during the mid-1980s Hunter Water made a major investment, and what was once a polluted beach is now pristine. It is a popular fishing area. The northern end of the beach has a fantastic surf break. It is one of the hidden gems in my area called the racecourse. We do not publicise it too widely but it is a popular left-hander. Further south is Glenrock Lagoon, which is the exit to the ocean. For the information of Sydney members, it is similar to Narrabeen Lagoon except that, rather than being surrounded by houses, it is surrounded by pristine bushland. Glenrock Lagoon is part of Glenrock State Recreation Area, which I think I mentioned in my inaugural speech. Again, it is located in the heart of a major New South Wales city but it still possesses areas of fantastic moist gullies, sections of open forest and low, closed heathland. The lagoon is most important.

Over time the lagoon has had a silt problem, mainly due to urban development near the bushland and flows from Little Flaggy Creek and Flaggy Creek. However, when there is a significant rain event, such as the one we had in 2007, the water flows through and removes all the silt, and the lagoon returns to its pristine state. Further south again is Red Bluff, which is important for a couple of reasons. First, as with the bluff at the northern end, the southern bluff has a fantastic tumbledown cliff feature with Permian coal deposits overlaid with conglomerate. It is also a significant cultural heritage area; it is important to the original custodians of that part of my community, the Awabakal people. It still has some significant cultural features. Not only does the natural environment of the area need protecting; the cultural significance of the area also needs protecting. The bill will protect not only the environment but also an important cultural element of my community.

Further south is the Dudley rock platform, which is slightly less accessible than the platform at the northern end of Burwood Beach. As a consequence, it is of even more environmental significance. The member for Camden and the member for Parramatta spoke about the importance of fish. The southern end of Burwood Beach is rich in marine life; it has an enormous variety of fish species. Some of the hardiest souls get down to the rock platform to try to catch rock blackfish and bream, and it is one of the few areas within the Newcastle central business district where people can realistically try to catch snapper. Perhaps even more importantly, off the coast are some historic shipwrecks, which are part of the cultural history of the area. Over the years many lives have been lost in shipwrecks along that part of the coastline. Some of these wrecks are of enormous historical significance. Again, anything that will further protect the marine environment in that area is of great importance.

As I am talking about the Glenrock State Recreation Area it would be remiss of me not to mention Glenrock scout camp. The scout camp, which has existed for the greater part of the last century, is a hidden jewel in the electorate. It is surrounded by bush—one could be miles from anywhere. Nonetheless it is still located in the heart of a major city. The work done by volunteers to keep Glenrock scout camp in such fantastic order and to provide such wonderful facilities for scouts and school groups that use the camp deserves mention. I specifically acknowledge the work of Steve Ferney, Jim Snushall, Nicole Carr, Lindsay Harrison, Bryan Brown, Grahame Smith, Paul Tollard, John LeMessurier, Barry Ableson, Perce Smith, Gloria Thompson, Don Keevers, Dudley Parker, Ken Skilton, Gerry Maughan, Bruce Clayton, Glanmor Wilcox, Brian Moore, John Sharples, John Knorr, Euan Melville and Grahame Ellyatt, who have put in such enormous work over the years and maintained that wonderful environment.

The area is dear to my heart. I visited the area when I was a little tacker scout. Now, as the local member of Parliament, I have the opportunity to visit the area again. The volunteers take enormous care of the environment. I hope I have enlightened the House about some of the benefits this bill will bring to my electorate. Despite representing a largely suburban electorate, I am fortunate to have large tracts of pristine coastline, which is rare in a suburban environment. This bill further enhances the protection of my electorate. I follow in the footsteps of the member for Camden and thank the member in the other place, the Hon. Duncan Gay, for introducing the bill. I thank also our wonderful transport Minister for having carriage of the bill in this House. I commend the bill to the House.

Mr CHRIS HOLSTEIN (Gosford) [11.48 a.m.]: Today I make a contribution to debate on the Marine Pollution Bill 2011. The purpose of the bill is to replace the Marine Pollution Act 1987 and to give effect to Australia's ratification of certain provisions of the International Convention for the Prevention of Pollution from Ships and, in turn, to enhance the protection of coastal and port waters of New South Wales. The Act covers pollution from both operational and accidental causes, and set out powers to inspect and detain ships believed to be responsible for such discharges.

The main aim of the Act is to implement the International Convention for the Prevention of Pollution from Ships, which is commonly referred to as the MARPOL Convention. This convention has been signed by more than 130 countries, including Australia. The New South Wales Marine Pollution Act was enacted in 1987 and commenced in May 1999 to give effect to MARPOL in New South Wales legislation. The Act incorporated MARPOL annexes I and II and provided the State with direct responsibility for protecting New South Wales coastal and port waters from the harmful impacts of oil or noxious liquid substances.

The main purpose of the bill is to replace the current Marine Pollution Act to modernise the legislation and give effect to Australia's ratification of further amendments and provisions of MARPOL and, in turn, enhance the protection of waterways within New South Wales. The bill will ensure that the New South Wales legislation is consistent with internationally and nationally agreed best practice standards for managing various

types of pollution from vessels. It will provide New South Wales with the ability to enforce compliance and prosecute the various types of pollution from harmful substances in packaged form, sewage and garbage from ships in New South Wales coastal and port waters.

The bill will modernise and improve the administrative efficiency of the legislation and therefore the level of protection provided from the harmful impacts of pollution in New South Wales waters. Importantly, the bill will place no significant additional requirements on the shipping industry. This is because Commonwealth legislation already applies in State waters if a State does not have complementary legislation for a specific annex of the convention. It is proposed to introduce two local requirements to minimise the impact of sewage from ships in State waters, which is very much an issue in my electorate. I will deal with that aspect shortly.

First, the legislation will require the masters of large ships to report to the Minister any incident whereby a sewage treatment system fails or malfunctions while in port. It will also limit the defence that currently exists in MARPOL annex IV that allows large ships to discharge treated sewage. This defence will not apply in zones prescribed by the regulations where it is determined that the discharge of treated sewage in such areas would present an unacceptable risk to human health and/or the environment. Annex V of MARPOL contains requirements for the prevention of pollution by garbage from ships. Garbage includes plastics, all kinds of food, and domestic and operational waste, excluding fresh fish, generated during the normal operation of the vessel. It prescribes the distance from land and the manner in which garbage can be disposed of, and totally prohibits the disposal of plastics into the sea.

The bill also contains miscellaneous provisions to clarify the intent of the Act, reduce red tape and improve the capacity of the New South Wales Government and the three port corporations to protect our coastal and port waters. The bill clarifies that the New South Wales jurisdiction for marine pollution is limited to coastal waters that extend three nautical miles from the coast. The limit of the territorial sea of Australia has been extended to 12 nautical miles, but New South Wales coastal waters remain limited to three nautical miles. The bill explicitly provides that the New South Wales jurisdiction is limited to three nautical miles from the coast for the purpose of protecting the State's marine and coastal environment from pollution by oil and other marine pollutants that are discharged from ships.

Another provision in the bill relates to pollution arising from vessels involved in transfer operations. Transfer operations include the transfer of oil from a ship to an onshore refinery or the transfer of oil between ships. In 2003 the Land and Environment Court dismissed a prosecution concerning an oil spill that occurred while a transfer operation involving a ship was taking place. The effect of this ruling was to provide more extensive defences for oil spills that resulted from transfer operations than were intended under the Act. The bill clarifies that discharges associated with transfer operations involving ships should be prosecuted under the part of the Act concerning transfer operations. I remember well the grounding of the *Pasha Bulker* in 2007. This highlighted a limitation of the current Act relating to the provision of notices to require or prohibit certain actions to prevent or minimise pollution of State waters.

To ensure this direction-giving power can more effectively be carried out in future, the bill includes provisions that will allow the Minister to give such directions verbally, which would then be followed up with a direction in writing within 72 hours. The maximum penalty the Local Court can impose for an offence under the current Act is only \$11,000. An increase in the Local Court jurisdictional limit to \$55,000 for offences under the new Marine Pollution Act and regulation would enable more offences to be prosecuted in the Local Court. The new Act will be modernised, compared to the 1987 Act, by using a simplified structure and modern terminology. Key stakeholders have been consulted about the new provisions.

NSW Maritime consulted the three New South Wales port corporations, various New South Wales Government agencies and the Australian Maritime Safety Authority, which all support the incorporation of the up-to-date MARPOL provisions into the New South Wales legislation. I will talk about the impact of this bill on my local area, the Central Coast. We have a lengthy coastline and New South Wales has the fifth-largest shipping task in the world, with the risk of any type of pollution from ships in our coastal waters a constant possibility. As more ships visit the New South Wales coast the risk of a major shipping incident also increases and with it the risk of oil or other harmful substances being discharged into the water. The result would be damaging not only to our physical environment and our wildlife but also to our economy.

I will touch upon the impact on the economy because as was pointed out by an earlier speaker, the fine member for Camden—a man who knows a good oyster when he tries one—our great oyster industry is located in the mighty Hawkesbury River. If that industry were damaged in any way, shape or form it would have a major economic impact on New South Wales. The Central Coast has numerous beaches that are serviced by

14 surf clubs, numerous tidal pools, ocean rock pools and the magnificent Brisbane Water. More than two million people a year visit Central Coast beaches. Tourism is worth \$680 million to the Central Coast's local economy.

Dr Geoff Lee: How much?

Mr CHRIS HOLSTEIN: It is worth \$680 million. Any pollution of our waterways or coastal environment would have a major impact on that. People can stand on any of our beaches and see the vessels waiting to enter Newcastle Harbour. A mooring line extends as far south as my electorate and Ocean Beach, Umina. It is important that we ensure the protection of the environment and also eliminate the risk of any impact that pollution would have on our economy. The Central Coast's economy would be significantly affected. The value of tourism, which is connected to our beaches, is \$680 million, which is a significant amount in any economy.

The benefits of the bill are clear. It will ensure that the New South Wales legislation is consistent with internationally and nationally agreed best practice standards for managing various types of pollution from vessels. It will provide New South Wales with the ability to enforce and prosecute the various types of pollution caused by harmful substances in packaged form, sewage or garbage from ships. It will modernise and improve the administrative efficiency of the legislation and therefore increase the level of protection provided to deal with the harmful impacts of pollution on New South Wales waters. I commend the bill to the House.

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport) [11.58 a.m.], in reply: I commend all members who have contributed so passionately and eloquently to this debate. In particular I note the contributions made by the members for the electorates of Lakemba, Port Macquarie, Coogee, Balmain, Cronulla, Auburn, Wollondilly, Drummoyne, Myall Lakes, Parramatta, Camden, Charlestown and Gosford. The contributions of those members demonstrate the importance of this bill. I am very pleased to acknowledge that the Marine Pollution Bill 2011 will repeal the Marine Pollution Act 1987 and replace it with a new Marine Pollution Act 2012. The bill carries forward the provisions of the 1987 Act with a number of important adjustments that have been outlined in great detail by my parliamentary colleagues today.

The various MARPOL provisions contained in the bill will ensure that the New South Wales legislation is consistent with internationally and nationally agreed best practice standards for managing various types of pollution from vessels, an issue that is important to all members of this place. Importantly, the bill should place no significant additional requirements on the shipping industry. That has been established through consultation. Similarly, key government and industry stakeholders have been consulted on this bill and no major concerns have been raised through this process. I take this opportunity to thank the Opposition members who contributed to this debate for their support and, in particular, the Minister for Roads and Ports in the other place. The Minister has demonstrated yet again his vision for progress in his critical portfolios and for making New South Wales the best State in Australia while at the same time ensuring the integrity of our coastal and port regions. 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.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (CHANGE OF NAME) BILL 2012

Agreement in Principle

Debate resumed from 6 March 2012.

Mr NICK LALICH (Cabramatta) [12.01 p.m.]: I speak on the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. This is important legislation, as we can never take the safety of our communities for granted. With more than 60 drive-by shootings in the past year, and very little

action from this uncaring O'Farrell Government, members on this side of the House stand prepared to help our communities through potentially dangerous times. The object of this bill is to amend the Births, Deaths and Marriages Registration Act 1995 as follows:

- (a) to provide that certain classes of persons (*restricted persons*), including inmates of correctional centres, persons on remand and forensic patients, may not make an application to change their name unless the supervising authority has approved of the change of name, and
- (b) to provide that the Registrar of Births, Deaths and Marriages (*the Registrar*) may not register the change of name of a restricted person unless that approval has been obtained, and
- (c) to provide that the Registrar must not, during a specified period, register the name of a person who was a serious offender unless the approval of the Commissioner of Corrective Services and the Commissioner of Police has been obtained, and
- (d) to set out the criteria for granting approvals, and
- (e) to provide a right to apply to the Administrative Decisions Tribunal for the review of certain decisions under the new provisions, and
- (f) to provide a right of appeal in relation to certain decisions of the Mental Health Review Tribunal under the new provisions.

The bill also makes consequential amendments to the Child Protection (Offenders Registration) Act 2000, the Births, Deaths and Marriages Registration Regulation 2011 and the Mental Health Regulation 2007. The Opposition does not oppose the bill. For the sake of community safety and welfare, it is important to ensure that appropriate measures are in place when certain individuals apply for a change of name. The right checks and balances must be in place. This bill defines "restricted persons" as prison inmates, periodic detainees, parolees, remandees, those under a supervision order and forensic patients. Under the legislative amendments, these persons will only be granted the ability to change their names by the Registrar of Births, Deaths and Marriages if consent and approval has been received from the correct supervising authority.

In many of these cases the supervising authority is the Commissioner of Corrective Services, which office is currently held by Ron Woodham, or the Commissioner of Police, who is currently Andrew Scipione. Their offices are respected and, importantly, for the purposes of the law and the safety of the community, they have the expertise to decide whether a name change for a restricted person is advisable. Indeed, more importantly, they have the power to withhold consent for a name change. It goes without saying that former convicted criminals should not be allowed to change their name and continue a life of crime. A change of name can have serious consequences for a community, particularly if the restricted person is a sex offender or a con artist.

Local communities in south-west Sydney already have been in danger from the gun crime and drive-by shootings that have occurred under the O'Farrell Government's watch. We do not want the situation made worse by former felons changing their names and hiding in society, like cancerous cells in a body. The New South Wales Labor Opposition remains committed to standing up for local communities and families. The administrative functions of the bill include giving the Administrative Decisions Tribunal and the Mental Health Review Tribunal the right to preside at appeals. Proposed section 31I of the bill provides for information sharing between the registrar and relevant authorities. Section 30, which provides for the registrar to require an applicant to prove that a name change is not being sought for fraudulent purposes, will remain in the legislation. The Opposition does not oppose the bill.

Dr GEOFF LEE (Parramatta) [12.05 p.m.]: I support the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. I commend the Attorney General for his interest, dedication and hard work in bringing a fair, just and efficient legal system to New South Wales so that the people of New South Wales can rest assured that everything is being done to ensure their safety and security. I am pleased that the member for Cabramatta spoke in support of the bill and I thank the Opposition for its bipartisan support on such an important bill. The object of the bill is to amend the Births, Deaths and Marriages Registration Act 1995 as follows:

- (a) to provide that certain classes of persons (*restricted persons*), including inmates of correctional centres, persons on remand and forensic patients, may not make an application to change their name unless the supervising authority has approved of the change of name, and
- (b) to provide that the Registrar of Births, Deaths and Marriages (*the Registrar*) may not register the change of name of a restricted person unless that approval has been obtained, and

- (c) to provide that the Registrar must not, during a specified period, register the name of a person who was a serious offender unless the approval of the Commissioner of Corrective Services and the Commissioner of Police has been obtained, and
- (d) to set out the criteria for granting approvals, and
- (e) to provide a right to apply to the Administrative Decisions Tribunal for the review of certain decisions under the new provisions, and
- (f) to provide a right of appeal in relation to certain decisions of the Mental Health Review Tribunal under the new provisions.

The bill also makes consequential amendments to the Child Protection (Offenders Registration) Act 2000, the Births, Deaths and Marriages Registration Regulation 2011 and the Mental Health Regulation 2007. I commend the Attorney General for introducing this bill, which was based upon his paper on best practice change of name legislation, presented at the meeting of the Standing Council on Law and Justice in November 2011. His cutting-edge paper was well received and, I understand, led the way for all States and Territories. The Attorney General noted in his agreement in principle speech the opportunity for other jurisdictions to follow New South Wales and take this commonsense and logical approach to legislative change and review, which makes for a more fair and just system and, in particular, protects those in the community who have been subject to terrible crimes.

This bill is in two parts, one of which deals with inmates and parolees. Under the current legislation, parolees and inmates can change their name by applying to the Registrar of Births, Deaths and Marriages without having first obtained the written approval of their supervising authority. This bill provides that failure to get written approval from a supervising authority is a criminal offence. Inmates and parolees are strictly monitored by Corrective Services NSW, but under the current legislation they are not required to get the department's approval to change their name. I understand that there have been instances where the department has not been notified of such a name change, which has caused great concern in the media and in the community.

Convicted murderer Noel Compton was permitted to change his name to Maddison Hall following a sex-change procedure performed while he was in prison. Michael Sorrell, who murdered a stranger in a random attack at Smithfield, was permitted to change his name to Michael Striker while he was in a mental health facility. He is still wanted in Queensland for fraud offences that he committed under his former name. The Births, Deaths and Marriages Registration Act 1995 was amended in 2007 to prevent persons on the Child Protection Register changing their name without the permission of the Commissioner of Police. This bill goes further and ensures that murderers and serious offenders cannot change their name to avoid supervision by Corrective Services NSW.

Child killer Austin Allen Hughes was permitted to change his name to Blain Lopez Smith, despite the fact that he was on the Child Protection Register. He was subsequently arrested for a parole violation after he was found living with a woman and a child who were unaware of his criminal past. Obviously, this issue has attracted significant media and community interest. The concern is that former prisoners could change their name in order to evade or hinder their supervision by Corrective Services NSW. The department does a great job monitoring offenders in the community and that would be very difficult if it did not know of a name change. This bill addresses that problem.

Serious criminals attempting to adopt a new name could also be offensive to victims. Victims of crime do it tough enough without having perpetrators change their name, perhaps even to an offensive name, and in the process causing intimidation and distress. Currently, in such cases, the Registry of Births, Death and Marriages is not aware of the implications. There are situations in which it could be appropriate for approval to be given for inmates or parolees to change their name. A person may want to turn over a new leaf and get on with his or her life or could have safety concerns. This bill provides that any such change must be approved by the supervising authority.

The bill also addresses serious offenders who have served their sentence and have been released into the community. Of course, they then have the same rights and responsibilities as everyone else. We understand that people can be rehabilitated, but this bill also continues change-of-name restrictions for serious offenders and extends them to serious sex offenders subject to supervision orders under the Crimes (Serious Sex Offenders) Act. That is an important and commonsense approach. We must protect the community, and that is the Attorney General's major concern. I commend the bill to the House.

Debate adjourned on motion by Mr Barry O'Farrell and set down as an order of the day for a later hour.

POLICE INTEGRITY COMMISSION AMENDMENT BILL 2012**Bill introduced on motion by Mr Barry O'Farrell.****Agreement in Principle**

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [12.15 p.m.]:
I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce this bill to refresh and reform two of the State's important integrity organisations, the Police Integrity Commission and the Office of the Inspector of the Police Integrity Commission. The introduction of this bill is evidence that this Government is taking timely and practical steps to improve integrity arrangements covering law enforcement bodies in this State. While the NSW Police Force and the New South Wales Crime Commission provide exceptional services to the community, unfortunately there are, on occasion, people in those organisations who behave corruptly or who are engaged in misconduct. Such corruption, revealed by the Wood Royal Commission into the New South Wales Police Service, led to the establishment of the Police Integrity Commission in 1996.

From a global perspective, New South Wales is an early adopter of integrity organisations tasked with tackling corruption and misconduct in State agencies. This Government recognises and acknowledges the valuable contributions made over many years by the Ombudsman, the Independent Commission Against Corruption and the Police Integrity Commission. That said, the Government is determined to ensure that these bodies continually provide effective and efficient services that support and improve key law enforcement and other government bodies in New South Wales. The reforms in the bill arise from a review concluded late last year into the policy objectives and terms of the Police Integrity Commission Act. The review, which is required under section 146 of the Police Integrity Commission Act, provided an important opportunity to reflect, to consult and to take stock of arrangements for the Police Integrity Commission and the Office of the Inspector.

The review cast a wide net. It took submissions from the Police Integrity Commission and the Inspector, the NSW Police Force, the New South Wales Crime Commission, the Independent Commission Against Corruption and the Inspector of the Independent Commission Against Corruption and the New South Wales Ombudsman. The review also carefully considered recommendations made over several years by the Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission. I thank the agencies and the parliamentary committee for informing the review with their detailed and constructive submissions.

The review concluded that a role clearly remains for a body, separate from government and reporting to the Parliament, to oversee the integrity of the New South Wales Police Force and Crime Commission because corruption and misconduct risks inherently coexist with the discretionary exercise of significant coercive powers. The review considered whether the Police Integrity Commission was the most appropriate body to undertake that role in the future. After consulting widely and weighing the issues, the Government decided to preserve the Police Integrity Commission as a stand-alone body supported by reforms, which are implemented in this bill. Consistent with the Government's commitment to transparency and openness, the non-confidential submissions to the review and the review document were published on the Department of Premier and Cabinet's website in November last year.

Reformed regulatory architecture for the Police Integrity Commission is only one part of the Government's commitment to getting the integrity settings right for our State's law enforcement authorities. The other part is the capability and character of the people who lead and supervise the integrity bodies. With this in mind, the Government has recently appointed two distinguished former Supreme Court judges to the positions of Commissioner and Inspector of the Police Integrity Commission. The Hon. Bruce James, QC, commenced his five-year term as Commissioner on 1 January this year, while the Hon. David Levine, QC, took office as Inspector one month later, also for a five-year term. The commission and the office of Inspector are independent of Government and responsible to this Parliament. I am sure all members welcome the appointments of both Mr James and Mr Levine and can be confident of an era of stable and professional relations between the agencies.

I now turn to the key provisions of the Police Integrity Commission Amendment Bill. The bill provides for a more consistent approach to the different types of law enforcement officers covered by the Act. In its

current form, the objects of the Act and the functions of the commission place a different emphasis on the three types of officers, that is, sworn officers of the Police Force, non-sworn officers of the Police Force, and Crime Commission officers. This is because the original arrangements under the 1996 Act concerned only sworn police officers and arrangements for non-sworn officers and Crime Commission officers were later added in amending legislation. The bill amends the principal Act to give equal prominence to the three types of officers as outlined in the bill and in regard to the functions of the Police Integrity Commission. In order to achieve consistency, the bill also amends the Act to extend the duty of certain senior officers to notify the Police Integrity Commission of misconduct by sworn police officers. Currently the duty only applies in relation to misconduct of non-sworn police officers and Crime Commission officers.

The Police Integrity Commission holds public hearings, which play an important role in the transparency and accountability of the commission. There is, however, a need to balance the consideration of the public interest and the benefit of public exposure against the potential for undue prejudice to a person's reputation when deciding to hold a public inquiry. Item [6] of the bill amends section 33 of the principal Act, which specifies the criteria that the commission is to consider when determining whether to conduct a hearing wholly or partly in public. The additional criteria are consistent with the requirements for the Independent Commission Against Corruption when it decides whether to hold public hearings.

I now turn to the issue of procedural fairness for people subject to investigations and reports by the Police Integrity Commission. In the past concerns have been expressed about the commission's observance of procedural fairness in certain matters before it. I am particularly aware of the sensitivity of this issue amongst police officers, who have raised the issue with the Government by way of the Police Association of New South Wales. Item [14] of the bill inserts a new section 137A into the Act to require the Police Integrity Commission, before including an adverse comment about a person in a report, to give the person an opportunity to make submissions. This is also known as a "persons to be heard" provision. This new section will help to address concerns about procedural fairness, while allowing the commission to continue to vigorously detect and investigate corruption and misconduct. The "persons to be heard" requirement also will apply to reports of the Inspector.

Members may recall that the powers of the Inspector of the Police Integrity Commission to publish reports have been a matter of contention which, in September last year, led to a public disagreement between the former Inspector of the Police Integrity Commission and the commission. I note that at the time the Member for Toongabbie claimed the Government was not acting quickly enough to ensure that the annual report to Parliament of the Inspector of the Police Integrity Commission was made public. However, in fact, it was the previous Government that failed to implement the multiple recommendations of the parliamentary joint Committee on the Office of the Ombudsman and the Police Integrity Commission. The alarm bells first began ringing on this issue in November 2006, when the parliamentary joint committee recommended that the Act be amended to clarify that the Inspector could report to the Parliament, at his discretion, in relation to any of his statutory functions. Then, in 2009 the parliamentary joint committee recommended that the Inspector's reporting powers be extended even further to permit the Inspector to make a report to any affected party in relation to his functions.

This bill delivers the clarity sought more than five years ago by the parliamentary joint committee and acts where the previous Government failed to act. The bill makes the Inspector's powers consistent with those conferred on the Inspector of the Independent Commission Against Corruption [ICAC]. Specifically, item [11] of the bill provides that the Inspector of the Police Integrity Commission may at any time make a report concerning any matter relating to his functions in section 89—that is, concerning complaints, procedures or operations of the Police Integrity Commission—and provide a report to the commission, to the person who made a complaint or to any other affected person. The bill also provides that the Inspector's power to report to the Parliament is enhanced by amendment to section 101 of the principal Act. Members may note that the bill does not include a provision to implement outcome 14 of the statutory review, that is, that legislation should be introduced to bring special constables in the Security Management Unit within the oversight of the Police Integrity Commission.

Drafting of an amendment in relation to this outcome has been deferred to allow the Ministry of Police and Emergency Services to complete a review of all legislative arrangements governing special constables. These reforms arise from careful analysis of the integrity arrangements for our State's Police Force and Crime Commission. There was wide consultation during the statutory review and, more recently, direct Government consultation with the Commissioner and the Inspector of the Police Integrity Commission on the reforms arising

out of this bill. In some cases, the reforms are overdue, notably in relation to the power of the Inspector to make reports. But, taken together, the reforms will put the operations of the Police Integrity Commission and the Office of the Inspector on a firm footing for the future. 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.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2012

Bill introduced on motion by Mr Barry O'Farrell.

Agreement in Principle

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [12.26 p.m.]:
I move:

That this bill be now agreed to in principle.

The Public Sector Employment and Management Amendment Bill 2012 proposes to update the State's primary public sector employment legislation to improve performance management in the public sector and to ensure that the provisions relating to excess employees are clear and practical to implement. As I have said before, the Government is determined to make the New South Wales public sector the best in the nation and a leader in the world, with unambiguous goals, clear policy directions, transparent processes and consistent accountability. Establishing strong performance management systems is part of this task. Performance management systems should not focus solely on poor or unsatisfactory performance. The emphasis also should be on recognising achievements, providing training and, importantly, giving feedback on results.

The bill requires the Public Service Commissioner to develop and issue guidelines to public sector agencies on the essential elements of performance management systems. The commissioner will be able to issue a direction to public sector agencies about performance management systems. Public sector agencies also will be required, under proposed section 101A, to develop and implement performance management systems for their staff. We recognise that public sector agencies need to tailor their systems to reflect their organisational environment and operational priorities if they are to achieve a better outcome and deliver improved services to their customers, the taxpayers and residents of this State.

The bill also seeks to amend sections 56 and 57 of the Act. As members would be aware, the Government introduced a new policy for the management of excess employees from 1 August 2011, abolishing Labor's "no forced redundancies" policy. The Government introduced the new policy in line with our election commitment. The "no forced redundancies" policy allowed excess employees to drift in a kind of limbo—in some cases for up to 10 years—without securing a permanent job. That is simply a waste of taxpayers' dollars. Make no mistake, this Government wants to help public servants who lose their jobs as a result of changing priorities or structural reforms, but employees who cannot be redeployed cannot be kept on the books indefinitely.

Under the Government's new policy, excess employees are asked to choose between a generous voluntary redundancy package and a three-month retention period in which to pursue redeployment. If an excess employee declines voluntary redundancy and cannot find a new job within three months, he or she will be made redundant. For public servants, this means termination under section 56 of the Public Sector Employment and Management Act 2002. Our policy applies to those public sector agencies in the New South Wales government service. Essential front-line employees, working under separate industrial arrangements, are not subject to the new policy. For example, it does not apply to nurses, ambulance officers, schoolteachers, police officers, firefighters or rail workers. Disappointingly, the unions challenged the new arrangements in the Industrial Court of New South Wales and in November last year the court handed down its decision.

While the new policy is unaffected by the judgement, the Industrial Court proposed an interpretation of section 56 of the Act that significantly broadened its application and has made this section impractical and onerous to apply. The court indicated that an excess employee cannot be made redundant as long as "useful work" of any kind exists anywhere across the entire public sector. Under the court's broad interpretation, "useful work" would include all work undertaken on a temporary, casual and contractual basis, as well as that performed on an ongoing basis. If this interpretation of section 56 were to be applied, I am advised it would be

almost impossible to satisfy the requirements in the current provision and proceed to terminate an excess employee who could not be found a new permanent position. In fact, the court's "useful work" test would result in a de facto return to the "no forced redundancies" policy.

The Government's intention is to return the application of section 56 to the previous practice undertaken by departmental heads. The Government wants to retain the requirement that before terminating an excess employee a departmental head must be satisfied there is no vacant permanent position for that person, not only in his or her department but in all other departments and all other agencies of the public sector. This is a fair obligation which must be discharged before a decision is taken to make a person redundant, but it is only fair that the search for a job across the whole of the public sector is for an ongoing public sector position. For consistency, section 57 of the Act—covering public servants on excessive salaries relative to the position they are currently occupying—will be amended as well. This will ensure that the search for a job at the same salary level is limited to an ongoing public sector position and not just any type of work.

This legislation is also intended to clarify that the Public Sector Employment and Management Act 2002 is the principal legislation governing the employment of public servants. The bill proposes to exclude the application of the unfair contracts provisions in division 2 of part 9 of chapter 2 of the Industrial Relations Act to arrangements for dispensing with excess employees. It will apply to the government service and to all other public sector agencies. Excess employee arrangements include how and when a staff member becomes excess, issues concerning redeployment, the retention period, salary maintenance, redundancy payments and termination—this is made clear in proposed section 103A (2).

The amendments are necessary to avoid lengthy and ongoing court proceedings that are not brought under the principal Act relating to the employment of public servants, the Public Sector Employment and Management Act, but under the unfair contracts provisions of the Industrial Relations Act. These proceedings under the unfair contracts provisions seek to prevent agencies from implementing reasonable changes to their excess employee policies that are consistent with the Public Sector Employment and Management Act and are rightly a matter for the Government to determine through policy decisions from time to time. It is important to note; however, that redundancy arrangements in industrial instruments will not be displaced and the amendments do not affect any orders of the Industrial Court that were made prior to the commencement of the legislation.

The amendments that exclude the unfair contracts provisions take effect upon the date that notice was given in Parliament for the introduction of this bill and include any relevant proceedings commenced on or after that date. While the changes will mean that the Industrial Court cannot deal with these matters, individual excess employee disputes and unfair dismissal matters will still be able to be heard and determined by the Industrial Relations Commission. The proposed changes will support the Government's fair and reasonable policy for managing excess employees and improve agencies' ability to deliver better public services in line with community expectations. I commend the bill to the House.

Debate adjourned on motion by Dr Andrew McDonald and set down as an order of the day for a future day.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT (CHANGE OF NAME) BILL 2012

Agreement in Principle

Debate resumed from an earlier hour.

Mr GUY ZANGARI (Fairfield) [12.34 p.m.]: I make a contribution to debate on the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012, which seeks to amend the Births, Deaths and Marriages Registration Act 1995 to increase the change of name restrictions relating to restricted persons and serious offenders. Once enacted, this legislation will prevent a serious offender or a restricted person from applying to have his or her name changed with the NSW Registry of Births, Deaths and Marriages without first obtaining the approval of his or her supervising authority and will prevent the NSW Registry of Births, Deaths and Marriages from registering such change without approval.

The bill recognises the need to protect the community from people who have been incarcerated for committing unacceptable and unspeakable acts. It recognises that whilst a criminal may have served the

sentence imposed on him or her by a court, it does not necessarily mean that such a person is completely rehabilitated and poses no threat to the community. The safety of the community is paramount. A primary objective of the bill is to ensure that a serious offender being monitored by a supervising authority does not change his or her name in an attempt to elude the supervising authority. Importantly, it will mean that a serious criminal will have to think again before changing his or her name to take on a new identity and possibly reoffend.

The proposed changes to the Births, Deaths and Marriages Registration Act will apply also to restricted persons—offenders serving out their sentences. Under proposed section 31B this will include a person who is an inmate, on remand, a parolee, a periodic detainee, a forensic patient and a correctional patient. It will prevent such persons from changing their names without written permission from their supervising authority and it will place a high standard on the supervising authority to ensure that the offender or restricted persons will not pose a threat to the community if allowed to change their names, ostensibly taking on new identities. The supervising authority may give approval only if, in all the circumstances, it is necessary or reasonable.

Under proposed section 31C the supervising authority must not approve the making of an application to the register for the registration of a change of name of a restricted person if the authority is satisfied that a change of name would be reasonably likely to put at risk the security, discipline or good order of the premises or facility where the restricted person is held or accommodated; jeopardise the restricted person's or another person's health or safety; be used to further an unlawful activity or purpose; be used to evade or hinder the supervision of the person; and, importantly, prevent the serious offender or restricted person from changing his or her name in a manner that would be reasonably likely to be regarded as offensive by a victim of crime or an appreciable sector of the community.

Unlike the earlier forays by the O'Farrell Government on law and order, in particular, the well-documented suggestions by the Attorney General to change sentencing laws that would allow certain members of the community to avoid incarceration because they belonged to a particular class of people, this bill puts the safety and wellbeing of the community ahead of any other consideration. The bill will ensure that convicted criminals and restricted persons cannot just take on a new persona once released from prison, thereby affording the community some peace of mind. I do not oppose the legislation.

Mr JOHN SIDOTI (Drummoyne) [12.38 p.m.]: I make a contribution to debate on the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. The Government is to be congratulated on introducing this bill in such a timely manner after it was revealed that many former criminals change their names before being released from prison. The proposed new laws will require prisoners and parolees to receive approval from their supervising authority to change their names. These laws should have been put in place many years ago.

It explains why many have used the present system to change their identity and hide their past. Up until now convicted murderers and other violent offenders were simply able to complete a form and lie when asked whether they had any convictions. Only child sex offenders could be identified through automatic police checks by the Registry of Births, Deaths and Marriages. Under this amendment, serious criminals will be prevented from changing their names. The Registry of Births, Deaths and Marriages will be sent an alert list of serious offenders such as murderers and rapists. The existing laws do not prevent such criminals from securing a new identity when they are released. Some have even had a sex change before being released.

Let us have a look at the chain of events regarding Maddison Hall, who was jailed for life under the name of Noel Crompton for the brutal shooting in 1987 of hitchhiker Lyn Saunders. Three days before Christmas in 1987 Marrion Saunders was waiting at her Adelaide home for her son, Lyn, to arrive home for the holidays. His car had broken down in Broken Hill and he was forced to hitchhike the rest of the way. He never made it home. A farmer living near the Murray River town of Gol Gol discovered the grisly remains of Lyn Saunders. He had been shot a number of times. It was 18 months before police would arrest Lyn's killer when the murder featured on *Australia's Most Wanted*. An anonymous woman rang police to tell them Noel Crompton, then 26, was living with his wife in Campbelltown in the west of Sydney.

Crompton had given Lyn Saunders a ride before killing him after a disagreement and was jailed for life. It was at that point that the story took a bizarre turn when Crompton pleaded that he was really a female trapped in a man's body. He wanted to become a woman and the focus immediately changed from Lyn Saunders murder victim to Maddison Hall's gender identity disorder. He claimed he belonged in a female prison and in August 1999 the Serious Offences Management Committee recommended he be moved to the all-woman Mulawa

prison. Although still a man, Hall was on hormone treatment but it did nothing to curb his behaviour as a sexual predator. He was charged with raping his cell mate and other inmates reported that Hall had sexually assaulted them. He was moved back amongst the men and within three months there were reports he had prostituted himself for drugs.

Ron Woodham, Commissioner for Corrective Services, tried to keep Hall in a male prison but he lost the battle and Hall successfully exploited his legal rights as a prisoner, backed by the publicly funded Prisoners Legal Service. Even more alarming was that he successfully sued the Department of Corrective Services claiming psychological trauma and won a \$25,000 out-of-court settlement. Later in 2001 and following psychiatric examination, Hall's life sentence was cut to 22 years, with a 16 years and six months non-parole period. In 2003 he had full sex change surgery funded by the \$25,000 payout. He was released in April 2010 with a job and accommodation at a secret location—as well as a new face and a new name.

Another shocking example of misuse of this loophole is the case of convicted child killer, Austin Allan Hughes, who had been living in the Kempsey area since his release in 2009 under the new name of Blain Lopez Smith. His partner in the disturbing crime was none other than the boy's mother, Gunn-Britt Ashfield. She remains in prison but under the new name of Angelic Karstrom. He served 16 years for the brutal murder of six-year-old Nowra boy John Ashfield. The innocent young boy died after a frenzied attack by Hughes during which he was kicked and punched and shoved into a cold shower before having his head placed on a phone book and repeatedly bashed with a hammer. Once released Hughes was found to be living with a Kempsey woman and her two young children.

The woman was unaware of Hughes' past and it was uncovered only when her mother became suspicious and made the shocking discovery of his hideous crime on the internet. Despite this being a breach of his bail conditions, the point is that it happened and had it not been for the intervention of the woman's mother, it could have gone unchecked until it was too late. These people are a danger to society and society has every right to be advised of where they are living and what crimes they have committed. I believe also it is the right of members of the community to know exactly who they have living next door. The current laws do nothing to prevent criminals from securing a new identity.

This legislation proposes that there be greater contact between the Registry of Births, Deaths and Marriages, the Commissioner of Police, the Commissioner of Corrective Services and the head of the Parole Board. Under the existing laws, the Department of Corrective Services is powerless to stop prisoners and parolees from changing their identity and, even more disturbing, no records are kept of those who have done so. The Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012 provides a 10-point plan to ensure that no weak links in the system can be exploited by criminals. It further ensures that name change information can be obtained in a timely fashion.

Under the proposed amendment, all serious sex offenders will need to obtain approval before changing their names. Police would provide to the registry an alert list for high-risk individuals. Prisoners and parolees will need to obtain approval and the registry will need to be notified of the change. People will be limited also to changing their names only three times in a lifetime. I support also the proposal for the Federal Government to introduce laws to place a national limit on the number of times a person can change his or her name. We need consistency across the country for this law to work. I congratulate the Attorney General on his quick response to a problem that was causing considerable stress to a large percentage of the community. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [12.45 p.m.]: We have another sitting week and another law and order beat-up by the O'Farrell Government. I note that whilst supposedly tough-on-crime legislation is introduced, police numbers in south-western Sydney remain 80 police officers short again this week. The Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012 aims to make it harder for serious offenders to change their names, and that is a perfectly reasonable proposal. It makes sense for such individuals to be subjected to close scrutiny on matters concerning identity, in particular for security reasons. Proposed section 31F is limited in its effect for those who have been in prison within the past 10 years. It states that once the 10-year period has passed during which the person has not served time in prison the restrictions of this bill no longer apply.

This may be appropriate for some offenders, but not all offenders are equal. The proposal should be extended to certain categories of crime. I call on the Government to consider extending this period to other offences, such as violent crime, sexual offences and crimes against children. I note also that simply because

someone has not been convicted of a crime during this period does not mean that he or she has not committed a crime. I do not propose further judicial punishment, merely that the scope of bill could contain greater flexibility. I suggest giving greater flexibility to supervising authorities in extending restrictions, particularly with respect to offenders who are no longer on supervision orders. Members have highlighted instances where individuals still pose a threat to the community even after long periods out of prison. It is important that appropriate measures are put in place to keep track of such individuals.

I ask the Attorney General to confirm whether provisions exist to prevent people on the child offender register from changing their names beyond the 10-year restrictions imposed by the bill. If not, I encourage the Government to extend the period in which such offenders will be the subject of this legislation. I understand—and I am sure that the Minister will correct me if I am wrong—that although those on supervision orders are covered under the term "restricted persons" in the bill, not all offenders on the child offender register are necessarily subject to supervision orders. The bill provides for offenders to appeal either to the Administrative Decisions Tribunal or to the Mental Health Commission, depending on the individual matter. Although I support the nature of the proposal, this could be subject to change because of the Government's own review and potential to consolidate tribunals in New South Wales. The Government has already demonstrated its willingness to slash legal services, as evidenced by the decision to close the Parramatta office of the Consumer, Trader and Tenancy Tribunal.

Mr Greg Smith: Point of order: My point of order relates to relevance. The member should be brought back to the leave of the bill. We are not dealing with Fair Trading or the Consumer, Trader and Tenancy Tribunal; we are dealing with the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill.

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

Ms TANIA MIHAILUK: I note also that the decision regarding name changes will lie with law enforcement officers, namely, the Commissioner of Police and the Commissioner of Corrective Services. That is appropriate as such individuals have the appropriate level of expertise to make such calls. Section 29A of the Births, Deaths and Marriages Registration Act already requires applicants for a name change to disclose whether they have been convicted of a relevant offence. A relevant offence is defined in the Act as one which has involved a term of imprisonment of 12 months or more. The Act also makes it an offence to fail to make such a disclosure, with a penalty of 100 penalty units or two years imprisonment. Section 30 of the Act provides for the Registrar to require the applicant of a name change to demonstrate:

... that the change of name is not sought for a fraudulent or other improper purpose.

Section 46A of the Act allows access to entries in the register by law enforcement agencies. These agencies are defined as the NSW Police Force, the police force of another State or the Commonwealth, the NSW Crime Commission and any other law enforcement or investigative agency as prescribed by regulations. As worthy as the stated aim of the bill is, it is misleading for the Government to refuse to admit that much of what it has proposed in this legislation is already contained in the Act. Furthermore, the fanfare associated with the proposal is unwarranted and disingenuous. I note that after six months of dithering the Government has released the Parsons report into the allocation of police resources. The proposal contained in the report to merge the Bankstown and Campsie local area commands is of great concern to my local community.

Mr Geoff Provest: Point of order: Once again the point of order relates to relevance. Nothing in this bill relates to the Parsons report. I believe that the member for Bankstown is canvassing your ruling and should be asked to return to the leave of the bill.

ACTING-SPEAKER (Mr Lee Evans): Order! I again ask the member for Bankstown to return to the leave of the bill.

Ms TANIA MIHAILUK: I make that point because the Attorney General, in reply to previous debates, has pointed out that not all the answers are necessarily legislation but police resources. When I have commented on that matter in the past the Attorney General has said that it comes down to police resources. I am concerned about the Parsons review. I have taken this opportunity to reflect on the Parsons review because it is not only about legislation stopping individuals who commit crimes; it is also about police resources across western Sydney in particular.

Mr Greg Smith: Point of order: Mr Acting-Speaker, I do not know whether you made a ruling but there should be a ruling that this has nothing to do with the leave of the bill.

ACTING-SPEAKER (Mr Lee Evans): Order! I am making a ruling under Standing Order 59, which states:

The Speaker may direct a Member to discontinue a speech if the Member persists in irrelevance or tedious repetition.

All those in favour say aye, all those against say no.

Division called for.

ACTING-SPEAKER (Mr Lee Evans): Order! I am informed that it is the Chair's decision. The member will sit down. There will be no division.

Mr TONY ISSA (Granville) [12.56 p.m.]: I support the Births, Deaths and Marriages Amendment (Change of Name) Bill 2012 and commend the Attorney General for introducing this amending bill which will strengthen the change of name restrictions. The purpose of this bill is to strengthen the change of name restrictions—

[Business interrupted.]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Speaking Time

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [12.57 p.m.]: I move:

That standing and sessional orders be suspended to permit the member for Bankstown to resume and conclude her speech.

I did not have the pleasure of being in the House to hear the learned rulings or the interventions. However, on the basis of the business of the House, I understand that the member for Bankstown was speaking. I am not sure of the detail of what occurred but I understand that the member's time had not expired. Provided she speaks to the leave of the bill, in my position as Leader of the House I put it to you, Mr Acting-Speaker, that the member for Bankstown should be allowed to complete her contribution. Recognising the issue that arose, I remind the member for Bankstown that it would be helpful if she spoke to the leave of the bill.

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

Motion agreed to.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT (CHANGE OF NAME) BILL 2012

Agreement in Principle

[Business resumed.]

Ms TANIA MIHAILUK (Bankstown) [12.59 p.m.]: In closing, I reiterate my concerns in relation to offenders who may have completed their sentence more than 10 years ago and are on the Child Offender Register but not under supervision orders. I ask the Attorney General to respond to my concern when he replies to the debate. I do not oppose this legislation; there are elements of the bill that I support. I simply took the opportunity to raise concerns that I have shared with the Attorney General in the past that we need more police resources in western Sydney.

Mr TONY ISSA (Granville) [1.00 p.m.]: Next time someone should give the member for Bankstown a little more advice about legislation so that she has a better understanding and does not waste the time of the Government.

ACTING-SPEAKER (Mr Lee Evans): Order! Members will come to order. The member for Granville has the call.

Mr TONY ISSA: I support the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. I commend the Hon. Greg Smith for his quick action in introducing this bill to strengthen change of name restrictions in relation to inmates, parolees and people subject to a supervision order, including serious sex offenders, and former serious offenders for 10 years following the completion of their sentence. In November 2011 the Attorney General presented a paper on best practice in the change of name process at a meeting of the Standing Council on Law and Justice. This paper was developed over two years by a working group consisting of representatives of all Australian jurisdictions, CrimTrac and the Department of Immigration and Citizenship. All Australian Attorneys-General agreed to consider implementing the recommendations of the best-practice paper.

The bill provides that inmates and parolees, along with certain other groups of restricted people, must not make a change of name application to the Registrar of Births, Deaths and Marriages without having first obtained the written approval of their supervising authority. Failure to do so will be a criminal offence. Inmates and parolees are strictly monitored by Corrective Services NSW. However, at present they do not require any approval from Corrective Services prior to applying to the registrar in order to change their name. In fact, they could change their name without Corrective Services having any idea that they had done so. Furthermore, there have been some cases in which serious criminals have attempted to adopt a new name that would be offensive to victims of crime. In such cases the Registrar of Births, Deaths and Marriages might not be aware that the change of name application would be inappropriate as it may not be aware of the applicant's full criminal history. However, the applicant's supervising authority would be fully apprised of the circumstances of the offence and may refuse to approve such an application.

The bill also ensures that Corrective Services will notify the registrar of the identity of all inmates and parolees and that the registrar will in turn notify Corrective Services if a change of name application by an inmate or parolee is approved or refused. Therefore, the registrar will be able to determine immediately whether a person is an inmate or parolee and if they have submitted an unauthorised application. If an unauthorised application is made, that person could then be prosecuted for making an application without obtaining the required approval. The question must arise as to what happens when an offender finishes their prison or parole term. Of course, in the majority of cases, when a person has done their time they are free people, with the same rights and responsibilities as anyone else. A change of name can assist in rehabilitation by enabling an offender to turn over a new leaf, and in so doing successfully reintegrate and become a productive member of society.

The bill addresses this issue by continuing change of name restrictions for released serious offenders. Under existing law in the Child Protection (Offenders Registration) Act, change of name restrictions already apply to registrable persons under that Act even after they complete their sentence. The bill extends change of name restrictions to serious sex offenders subject to supervision orders under the Crimes (Serious Sex Offenders) Act. The Supreme Court may make such an order only if it is satisfied to a high degree of probability that an offender poses an unacceptable risk of committing a serious sex offence if he or she is not kept under supervision. In those cases the bill provides that the Commissioner of Corrective Services, as the relevant supervising authority, must first approve of the application for a change of name.

The bill provides that if a former serious offender applies to the Registrar of Births, Deaths and Marriages to change their name, the registrar must obtain the approval of both the Commissioner of Corrective Services and the Commissioner of Police in deciding whether to register the change of name. The commissioners may approve the application only if they are satisfied that the change of name is reasonable or necessary. Furthermore, the bill provides that the commissioners may not approve an application for a change of name in certain circumstances, including if it would be reasonably likely to be used to further an unlawful activity. This bill provides an important safeguard to prevent name changes by former serious offenders where there is good reason for the proposed change not to occur. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [1.07 p.m.]: Unlike other speakers before me in this debate, I will stick strictly to the leave of the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012—which is what this place is all about. The purpose of the bill is to strengthen the change of name restrictions in relation to inmates, parolees, periodic detainees, forensic patients, correctional patients and people subject to supervision order, including serious sex offenders, and serious offenders for more than 10 years following the completion of their sentence. I refer to the background of this matter. As has been said, in November 2011 the Attorney General presented a paper on best practice in the change of name process at a meeting of the Standing Council on Law and Justice. This paper was developed over two years by a working group consisting of representatives of all Australian jurisdictions, CrimTrac, and the Department of Immigration and Citizenship.

In November 2011 all Australian Attorneys-General agreed to implement the recommendations of the best-practice paper. This is of particular interest to me because the fine electorate of Tweed is on the Queensland border and we face many issues with criminals changing locations across the border and using the change of State to their own advantage. The more harmonisation I see in legal issues, particularly with births, deaths and marriages, the more the protection of our community will be strengthened. It will also allow the police to better track criminals and repeat offenders. The best-practice paper considered requiring prisoners and parolees to obtain the approval of the supervising authority prior to changing their name.

This bill implements that recommendation by making sure that the restricted persons will now be required to obtain a supervisory authority prior to applying to the Registrar of Births, Deaths and Marriages in order to change their name. A failure to do so will be a criminal offence. The supervising authority in respect of forensic patients is the Mental Health Review Tribunal, and in respect of all other restricted persons—for example, inmates and parolees—is the Commissioner of Corrective Services. This legislation is long overdue. I have been a member of Parliament for approximately six years, during which time people in my community have had a strong desire to know who is living next door to them so as to ensure their safety from repeat offenders, particularly sex offenders. Many of us have children and we would like to ensure their safety as well as that of our local communities.

This legislation is another positive step in that direction. A supervisory authority may give approval only if it is satisfied that the change of name is reasonable or necessary. There are certain circumstances in which approval for a change of name must not be given—for example, if it is reasonably likely that it will be used to further an unlawful activity or purpose. The great member for Parramatta referred to individual cases, including an horrific circumstance at Kempsey. In the past restricted people could change their name for their own benefit to allow them to continue their criminal activities and cause more harm in our communities. This legislation is a small step in the right direction to protect our local communities from repeat offenders, including sex offenders. We should do all we can to ensure the safety of our communities. The entire Tweed Heads community will welcome this very important piece of legislation that will keep people safe, especially young children and the elderly.

Gone are the days when repeat offenders could commit crimes, change their identity and continue on their merry way, reoffending and virtually thumbing their noses at the law and our hardworking mums and dads. I am sure it was very frustrating for our fine, hardworking men and women in the NSW Police Force, who put their lives on the line to keep the community safe. They also welcome this legislation. No longer will criminals be able to change their name with the stroke of a pen to hide further criminal activities. If a former serious offender applies to change their name within 10 years of completing their sentence, the Registrar of Births, Deaths and Marriages will be required to obtain the approval of the Commissioner of Police and the Commissioner of Corrective Services prior to registering a change of name.

The change of name restrictions in the bill will require restricted persons, including inmates and parolees, to obtain approval from the supervisory authority prior to applying to change their name. However, the question must arise as to what happens when an offender finishes their prison or parole term? Of course, in the majority of cases when a person has done their time they are free people, with the same rights and responsibilities as anyone else. A change of name can assist in rehabilitation by enabling an offender to turn over a new leaf, and in so doing successfully reintegrate and become a law-abiding and productive member of society, which is a major purpose of our correctional centres.

As a number of earlier speakers indicated, there are a group of serious offenders for whom continuing change of name restrictions are justified. It is a sad fact that there are some serious criminals who, despite all best efforts to rehabilitate them, simply sit out their sentence with the full intention of reoffending upon their release. The Attorney General has had many years experience in the criminal system—far beyond my limited experience—and he has seen several repeat offenders change their name for their benefit, allowing them to go unnoticed, drift around and continue to commit crimes to the detriment of the community.

I am of the belief that people in our local areas have elected members of Parliament for the sole purpose of improving their quality of their life and ensuring their protection. Members on both sides of the House must do all we can to ensure the safety of our local communities by putting appropriate laws in place, particularly when dealing with child sex offenders who commit a most heinous crime. We should all do what we can to stamp out that offence. We must ensure that if someone commits a crime, they do the time.

Too often, repeat offenders have changed their name, slipped back into the community and committed the same crime for which they were sentenced. Enough is enough. We must stand up for our local communities

and support this bill, which takes the significant step of strengthening restrictions. The Attorney General has done a good job. In relation to harmonisation between the States, I reiterate that each day approximately 100,000 people cross the border between the Tweed and Queensland and it is very easy for those involved in illegal activities to use that State boundary as a barrier and a protection. The harmonisation component of this legislation will benefit the great area of the Tweed. I commend the bill to the House.

Mr CHRIS SPENCE (The Entrance) [1.17 p.m.]: I support the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. It is somewhat Groundhog Day with this bill because the Liberal-Nationals Government must again fix Labor's mistakes. I put on record an article that appeared in the *Sydney Morning Herald*, which states:

CRIMINALS trying to escape their past will have to go interstate to change their names, with the State Government yesterday announcing it would close a loophole in the flow of information between state agencies.

The national loophole could be closed soon, too, as agencies from five states and territories continue their 18-month effort to put in place a national data exchange program.

The *Herald* understands senior police have been raising concerns for at least three years about the ability of criminals to in effect wipe their slate clean by legally taking on a new identity.

However, the Registry of Births, Deaths and Marriages is believed to have objected to allowing police access to its database because it was considered a breach of privacy.

Under a compromise nipped out in high-level meetings over the past two days in response to adverse publicity on the issue, the registry has agreed to supply police with information on all name changes.

Police have undertaken to keep information only on those with a criminal record or considered persons of interest in continuing cases.

Witnesses, victims, complainants or people fined for traffic and other offences could continue to change their name without it being recorded by the police, police sources confirmed last night ...

The State Government also announced it would implement new laws later in the year to create a new offence of lying on an application to change a name. It is already an offence for anyone to change their name for fraudulent reasons or for a sex offender to do so without the approval of the Police Commissioner.

The article goes on to state:

"Criminals who try to change their name to escape their criminal past and evade police detection will not get away with it," she said.

They are the words of then acting Attorney General Verity Firth in 2009. This Government is going around in circles, fixing the Labor Government's mistakes and closing the loopholes that it created. The Liberal-Nationals Government will get it right. This bill strengthens the constraints under which a person considered to be a restricted person is able to make an application to change their name through the Registrar of Births, Deaths and Marriages. By definition, "restricted persons" are inmates, parolees, remandees, serious sex offenders, forensic patients and others under equivalent supervision within the community. The current legislation does not prohibit serious criminals, such as murderers and rapists, from applying for and obtaining a new identity under a new name from the Registrar of Births, Deaths and Marriages. This can facilitate further criminal activities and evasion from supervision or it can be viewed as offensive by a victim of crime or others within the community.

The Births, Deaths and Marriages Registration Act enables the registrar to refuse an application for a change of name if it is considered obscene or offensive. However, as stated by the Attorney General, the registrar may not be aware that a change of name application could be inappropriate without knowing the full criminal history of the applicant, which the applicant may fail to disclose. In contrast, the applicant's supervising authority will be fully aware of the history and circumstances of their criminal offences. An article published in the *Daily Telegraph* on 31 January 2012 notes several occasions when a known criminal has changed his name. The article states:

Michael Sorrell, a killer who slashed the throat of a stranger in a random attack, showed how easy it was to change his name. He emailed BDM from the secure hospital where he is kept for the safety of the community. He asked for a form to be sent to him, filled it out to change his name by deed poll and had the \$154 cost taken out of his bank account by direct debit. He is now called Michael Striker. When released from the hospital jail, he was still wanted on Queensland warrants for fraud charges under his previous name.

Austin Allan Hughes, 38, was arrested earlier this month under his new name of Blain Lopez Smith after allegedly breaching parole by living with a woman and her two children on the NSW mid-north coast. His real identity was only discovered when the woman's sister became suspicious.

Hughes was on parole after serving 18 years for bashing his girlfriend Gunn-Britt Ashfield's son, John, to death. He was on the NSW Child Protection Register.

It is clear that this bill closes a very real and dangerous loophole and that it finally delivers something that was long intended by the former Labor Government but which, like many other promises, it never delivered. This bill requires those considered to be restricted persons to obtain written permission from their supervising authority to apply for a change of name before doing so, and failure to comply will be a criminal offence. Further, forensic patients are subject to a high degree of supervision by their supervising authority—the Mental Health Review Tribunal—and it is therefore appropriate that they be required to obtain approval from the tribunal before they apply to change their name. All other restricted persons will be required to seek written permission from the Commissioner of Corrective Services prior to applying for a name change.

The supervising authority will grant approval if it is satisfied that the change of name is reasonable or necessary. There are some circumstances that would be considered reasonable and legitimate grounds. For example, the restricted person could also be a victim and therefore require a change of name for protection, there may be cultural or religious grounds, or in some circumstances a change of name could assist in rehabilitation. The bill also sets out certain circumstances in which a change of name application should not be granted, such as the restricted person's likelihood of committing another crime or evading supervision or reasonable recognition within the community.

As pointed out by the Attorney General, community concerns have been raised following some cases in which high-profile criminals have changed their name and have not been recognised in the community. The safety of the community is paramount. For high-profile offenders such as murderers or those with a non-parole period of at least 12 years, the change of name restrictions will continue to apply even following completion of their prison and parole terms. If an offender seeking approval to apply for a change of name is declined by their supervising authority, the bill makes provision for the decision to be reviewed by the Administrative Decisions Tribunal.

While they will no longer have a supervising authority at the completion of their sentence and probationary period, any application made by a high-profile offender will still require the registrar to seek the written approval of the Commissioner of Corrective Services and the Commissioner of Police before granting a change of name if the person applies within 10 years of the completion of their sentence. Given that it is possible for offenders to become lawful citizens and to assimilate back into the community, over time the restrictions on changes of name are diminished. However, in the event that they reoffend, the restrictions will extend for a further 10 years from the completion of that sentence.

I asked the Attorney General why we do not impose a blanket ban on criminals changing their name. I was advised that such a ban would not be appropriate because it takes no regard of the particular circumstances of the applicant. Name changes by offenders can be made for entirely legitimate reasons—for example, for cultural or religious reasons—or because of a genuine fear for their safety. Offenders can also be victims of crimes and a change of name may be an attempt to escape identification by a perpetrator. Furthermore, a change of name can assist in rehabilitation by enabling an offender to turn over a new leaf and in so doing successfully reintegrate and become a law-abiding and productive member of society.

Under the bill, a change of name application can be approved only where it is necessary or reasonable. The bill also provides that a change of name application must not be approved in certain circumstances, including where it would be reasonably likely to be regarded as offensive by a victim of crime, used to hinder the supervision of the applicant, or used to further an unlawful activity or purpose. In short, the bill provides that changes of name by offenders are approved only when they should be and refused when they should be. In any case, a change of name does not affect a person's criminal record. In circumstances where it is necessary to find out whether a person has a criminal record, such as for the purposes of employment, a criminal record check will reveal all previous known aliases and names. Criminal record checks are mandatory in some circumstances, such as when performing working with children checks in relation to child-related employment.

The Registrar of Births, Deaths and Marriages sends the NSW Police Force a weekly update of all change of name data, which police use to update their criminal record database. The Police Force also has access to a secure private website that contains limited information from the registry's change of name database. Therefore, police have a complete record of a person's full criminal history regardless of whether they change their name—and so they should. This bill is sensible, it is long overdue and it demonstrates

that the Liberal-Nationals Government is getting on with the job of responsibly governing for the State of New South Wales and its hardworking, law-abiding citizens, not for criminals. This time we have got it right.

Mr ANDREW CORNWELL (Charlestown) [1.27 p.m.]: Under the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012, murderers, rapists and other dangerous criminals will not be able to change their name if it would allow them to avoid detection. This bill provides for an alert list to be sent to the Registrar of Births, Deaths and Marriages. Applications from serious offenders to the registry without the support of a supervising authority will be rejected. Under existing laws there has been nothing to stop a prisoner or parolee from changing their name. This legislation supports the rights of victims and provides additional protection to the community. It will make it much harder for serious offenders to seek a name change. It will also ensure that there is no weak link in New South Wales legislation that can be exploited by criminals. I encourage our colleagues in Canberra and the other States to follow our lead.

Prisoners will be able to apply for a new name only if their supervising authority—Corrective Services NSW or the Mental Health Review Tribunal—is satisfied that the change is necessary or reasonable and is unlikely to offend victims and the community. Inmates and forensic patients will be prevented from submitting any application to the Registrar of Births, Deaths and Marriages if a name change is reasonably likely to threaten security, jeopardise a person's health or safety, or be used for an unlawful purpose. Offenders under supervision in the community will be prevented from making an application if there is a reasonable likelihood that they will use a new name to avoid being monitored.

The registry will refuse any application made by serious sex offenders, inmates, parolees and forensic patients that has not received the written approval of their supervising authority. As a further safeguard, Corrective Services NSW and the Mental Health Review Tribunal will notify the Registrar of Births, Deaths and Marriages of the identity of serious sex offenders, prisoners, parolees and forensic patients. The public has a right to know a person's identity if they are convicted of a serious offence and this legislation closes the loophole that prevents that happening. Members have offered examples of that occurring in recent years, so it is unnecessary for me to go into further detail. I commend the bill to the House.

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

[Acting-Speaker (Mr Lee Evans) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.]

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Mr BARRY O'FARRELL: I inform the House that the Minister for Citizenship and Communities, and Minister for Aboriginal Affairs will answer questions directed to the Minister for Education, who for the second day in a row is absent from the Chamber as he is in his electorate, which is coping with floods.

QUESTION TIME

[Question time commenced at 2.23 p.m.]

MINISTER FOR TOURISM, MAJOR EVENTS, HOSPITALITY AND RACING

Mr NATHAN REES: I direct my question to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts. How can the Minister refuse to discuss the details of his conversations with Mr Peter Grimshaw regarding The Star Casino given his duties under the doctrine—

Mr Barry O'Farrell: There is an Independent Commission Against Corruption investigation and another investigation—

The SPEAKER: Order! The Premier will come to order. Members on both sides of the House will come to order.

Mr NATHAN REES: How can the Minister refuse to discuss the details of his conversations with Mr Peter Grimshaw regarding The Star Casino given his duties under the doctrine of ministerial responsibility?

Mr GEORGE SOURIS: The member for Toongabbie is obviously referring to the text messages between Mr Grimshaw and me after I learnt, through a statement to the Australian Stock Exchange, of the removal of Mr Vaikunta from the employ of The Star. Mr Grimshaw had expressed to me that he was distressed over his partner's allegations of sexual harassment in her workplace—The Star—and that she would suffer if publicly named. Our discussion was personal and confidential, and I respected this. In this matter, and anything else regarding the casino, I, the Premier and all members of the Government have remained at arm's length. This has been supported by the Chairman of the Independent Liquor and Gaming Authority, who has twice said, emphatically, that there has never been any interference by anyone from the Government in the authority's activities.

I have known Mr Grimshaw for a long time. Anyone who would suggest that this somehow affected my role as a Minister would be patently wrong and disingenuous. Nothing we discussed had any effect on the duties of the Premier or me, nor would I have allowed it to. My loyalty to the Premier, the Government and the people of New South Wales has never been, and will never be, compromised. I repeat that the discussion I had with Mr Grimshaw was not relevant to any decision being considered by the Government. Given that there is an independent investigation currently underway by Ms Gail Furness SC and that certain matters have been referred by the Opposition to the Independent Commission Against Corruption, I do not propose to add anything further.

CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE

Mr RAY WILLIAMS: I address my question to the Premier. What is the Government doing to attract jobs and to encourage workers to the Sydney central business district?

Mr BARRY O'FARRELL: I thank the member for Hawkesbury for his question. I welcome to the public gallery Mr Joseph, the former teacher of the member for Drummoyne. Although the member is doing a fantastic job, perhaps we could send him back occasionally for some of the remedial education, to learn about things that he may have missed. This morning I was delighted to join the Prime Minister to announce that the Commonwealth Government's—

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

Mr BARRY O'FARRELL: I am not sure how it operated when those opposite were in government, but it is free will as to whether one turns up to a press conference. I repeat: This morning I was delighted to join the Prime Minister to announce that the Commonwealth Government's \$10 billion Clean Energy Finance Corporation will be calling Sydney home. It was clear reaffirmation that Sydney is Australia's only true global city and that Sydney's central business district is the nation's banking and finance capital. This decision will mean that an additional 40 highly skilled jobs will be created at a time when they are most needed—as the banking and finance sector seeks to rebuild after the global financial crisis.

The decision to locate the new corporation in Sydney is welcome news for our financial sector, particularly at a time when there has been too little good news about jobs in recent months. Sydney has the existing talent and expertise to ensure a smooth start-up of the new corporation, as well as to provide ready access to our world-class tertiary institutions and research and development facilities. This places New South Wales institutions—academic, corporate and other—in a good position to capitalise on the funds being made available by the corporation to commercialise innovative clean energy proposals and technologies. Except for those opposite, it is great news for New South Wales.

One year ago I campaigned to make New South Wales number one again, and recognised that that started with rebuilding the State's economy. I am determined to make Sydney Australia's gateway to the world, be it international businesses looking to invest or domestic business seeking to access new trade markets—something the Deputy Premier will tell us about later in terms of his success in this area. However, global businesses will only choose to call Sydney home if we make the central business district work for their prospective employees. This means guaranteeing workers reliable and efficient roads and public transport. On a typical weekday, the Sydney city centre grows from about 60,000 residents to more than 600,000 thousand people. People from the Illawarra, western Sydney, the Central Coast and the north-west cannot ride a bike or walk to work, and they cannot afford sky rocketing on-street parking fees.

The central business district is the beating heart of the New South Wales economy; when it works smoothly the economic benefits can be felt right across this State. We need to ensure that both levels of

government involved in traffic and transport management work together to deliver the best results for the State's economy by delivering the best results for Sydney's central business district. I am not convinced that the City of Sydney Council has the best interests of all central business district users at heart. Residents deserve to have their interests represented but not at the expense of workers, visitors to the city and business owners. The Government has concluded that the best way to ensure that collaboration occurs is to establish a legal framework that requires coordination between the State and the city council.

The New South Wales Government will be legislating to establish a Central Sydney Traffic and Transport Committee to be responsible for coordinating State and city plans and policies and for making decisions on matters affecting transport and traffic within central Sydney. This approach will be modelled on the successful Central Sydney Planning Committee for major developments in the city—a joint committee that has been working well since 1988. The Government will have four members on the proposed Central Sydney Traffic and Transport Committee including, as chair, the Director General of Transport for New South Wales, and the City of Sydney Council will have three members.

The Central Sydney Traffic and Transport Committee will coordinate the work of more than a dozen committees on which both the State and the city council are represented. It will cut down on red tape, get rid of bureaucracy and ensure that the broader interests of workers and visitors to the central business district as well as local residents are considered when decisions are made about roads and transport systems. The central business district deserves a first-rate and properly functioning road transport system. That is certainly what the Minister for Transport and the Minister for Roads are endeavouring to do. The Sydney Business Chamber says that our plans are long overdue given the importance of the central business district to the State's economy. The member for Sydney says that this is no different from what is already in place and I look forward to her strong support for this legislation when it comes before the House.

THE STAR CASINO AND PETER GRIMSHAW

Ms LINDA BURNEY: My question is directed to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts.

The SPEAKER: Order! Government members will come to order so that I can hear the question.

Ms LINDA BURNEY: Did the Minister or anyone in his office have any discussions with Peter Grimshaw in relation to the allegations about The Star Casino that appeared in the *Sun-Herald* on 4 December 2011?

Mr GEORGE SOURIS: The Independent Liquor and Gaming Authority is an independent statutory authority constituted under the Casino, Liquor and Gaming Control Authority Act 2007 with licensing and related regulatory responsibilities under the liquor and gaming laws. Under the Casino Control Act 1992 the authority is specifically responsible for ensuring that the management and operation of the casino remains free from criminal influence or exploitation, ensuring that gaming in the casino is conducted honestly and containing and controlling the potential of a casino to cause harm to the public interest and to individuals and families. The authority's statutory functions include keeping under constant review all matters connected with the casino and the activities of the casino operator—

Ms Linda Burney: Point of order: My point of order is relevance. We know what the authority is about.

The SPEAKER: Order! The Minister is being relevant. The member for Canterbury will resume her seat. The Minister has the call.

Mr GEORGE SOURIS: The authority's statutory functions include keeping under constant review all matters connected with the casino and the activities of the casino operator, persons associated with the casino operator and persons who are in a position to exercise direct or indirect control over the casino operator or persons associated with the casino operator. The authority operates at arm's length from government and that statutory independence is respected.

Mr Michael Daley: Point of order: Madam Speaker—

The SPEAKER: Order! I hope this is not another point of order on relevance. If it is, I will be tempted not to listen to it. What is the member's point of order?

Mr Michael Daley: The Minister read this answer yesterday. Did he have any discussions?

The SPEAKER: Order! There is no point of order. The member for Maroubra will resume his seat. The Minister has the call. The member has asked the question. Opposition members will now listen to the answer in silence.

Mr GEORGE SOURIS: The authority makes its licensing decisions and exercises its disciplinary functions at arm's length. The Chair of the authority has twice confirmed that there has never been any government interference in his four years at the authority.

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

Mr GEORGE SOURIS: That includes the matter to which the member is referring, the article of 4 December 2011 in the *Sun-Herald* under the headline "Casino giveaway takes away". However, the authority has a monitoring role and there are casino inspectors associated with the exercise of its statutory powers. When questions arise in relation to, for example, a loyalty or inducements program to lure people to gamble, it is entirely appropriate for government to seek advice from the authority on that monitoring role.

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

Mr GEORGE SOURIS: In a story in the *Sun-Herald* of 4 December 2011 it was stated that I had—and the journalist used the word—"directed" the authority to do something. In the actual quote he used from me I said "I have asked"—not directed—"the authority to investigate whether the casino generally—

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

Mr GEORGE SOURIS: I am giving the member an answer. In the actual quote he used from me I said "I have asked the authority to investigate whether the casino generally is operating properly and within the Act regarding these promotions and inducements." What I was doing was asking the authority to provide me with advice on this gaming inducement, which is of palpable public concern and is an important part of my duties regarding responsible gaming.

FLOODS

Mr TROY GRANT: My question is addressed to the Premier. What is the latest information on the flood crisis gripping southern New South Wales, including action the Government is taking to protect our volunteers?

Mr BARRY O'FARRELL: I thank the member for Dubbo for his question and his obvious concern about those residents in Forbes affected by the flood peak heading down the Lachlan River. I announced in this place yesterday a state of emergency declaration for Wagga Wagga ahead of the peak expected, which was meant to severely test the city's levees. As we know, the good news is that overnight Wagga Wagga managed to survive that peak, which was at only 10.56 metres and not the 10.9 metres that was expected. I am advised by the State Emergency Service that this morning an all clear has been issued for the Wagga Wagga central business district, Wagga Wagga central, Gundagai, Flowerdale and surrounding areas. This means that it is now safe for residents to return to their homes or places of work.

In addition, all clears have been issued for Lockhart, The Rock, Uranquinty, Jugiong, Clifton Grove, Goodooga and the Goodooga Reserve. The state of emergency declared for Wagga Wagga yesterday has now been rescinded as last night's flood peak, as I said, did not reach the expected level. This saved the Wagga Wagga central business district and hundreds of homes and businesses from being flooded. Unfortunately, the State Emergency Service advises me that in north Wagga Wagga 240 properties were inundated. Major flooding continues along the Murrumbidgee, Lachlan and Darling river systems, with Griffith and Forbes the next towns facing flood crises. There are currently evacuation orders in place for parts of those towns, as well as for Cowra, and continuing in Gundagai, Narrandera and other towns across the region.

As I speak, approximately 75 per cent of New South Wales is flood affected or at risk of being flooded. A developing east coast low due to hit tomorrow is being closely monitored by the weather bureau and the State Emergency Service and preparations are currently underway, with fears of heavy rain and flash flooding as a

result. The worst of this flooding event has not eased, but has merely transferred from the south-east of the State to the Riverina and Murrumbidgee areas. Many New South Wales communities are now dealing with its after-effects, with many more to assess the impact once the floodwaters have receded.

I am pleased to say that the New South Wales Government has been and will continue to be there to support these communities through this difficult time. Central to the relief and recovery effort for these floods has been the amazing work of the New South Wales State Emergency Service under the leadership of Commissioner Murray Kear and his team, particularly James McTavish, who is based in Wagga Wagga. The State Emergency Service and the Rural Fire Service are organisations made up of thousands of volunteers, so today I announce that following discussions with the Minister for Police and Emergency Services, I have made an order under the State Emergency and Rescue Management Act to protect our volunteers in those rare cases where employers seek to take some action against them while they are deployed on this work.

While the vast bulk of bosses are supportive of their employees' service to the community through the State Emergency Service and the Rural Fire Service, this order gives those volunteers peace of mind that their job is assured. Among other powers, the Act allows courts to order the reinstatement of a sacked worker. These volunteers are doing a fine job serving the people of New South Wales. I visited Wagga Wagga yesterday and western Sydney on the weekend; I have seen firsthand people from across this city and this State working hard to assist communities affected by floods. I reiterate the New South Wales Government's gratitude to them all. Some of the volunteers involved in rescue and emergency efforts across the State have been serving for weeks on end, hundreds of kilometres from their homes. May they stay safe and return to their loved ones just as safely.

THE STAR CASINO AND PETER GRIMSHAW

Mr MICHAEL DALEY: My question is directed to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts.

The SPEAKER: Order! Government members will come to order so that I can hear the question.

Mr MICHAEL DALEY: The visitors in the public do not think this is boring and nor do we. When and how did the Minister become aware that Peter Grimshaw was involved in the *Sun-Herald* story of 4 December that triggered the Minister, in his words, to ask the Independent Liquor and Gaming Authority to investigate The Star casino? When and how?

Mr GEORGE SOURIS: To the very best of my knowledge, I am not aware of any involvement of Peter Grimshaw in that story of 4 December.

The SPEAKER: Order! Again I warn Opposition members that questions should conform to the standing orders. I draw the attention of members to Standing Order 128. I have made specific references to that standing order over the past couple of days. The question of the member for Maroubra was borderline.

JOBS GROWTH

Mr GLENN BROOKES: My question is directed to the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services. How is the Government attracting new jobs to New South Wales?

Mr ANDREW STONER: I thank the member for East Hills for his question. At last we have a question about issues that matter to the people of New South Wales. This morning, at the same time as the Premier was announcing the great news about the \$10 billion Clean Energy Finance Corporation, I was at Sydney Airport with the chief executive officers of Tiger Airways, Sydney Airport Corporation and the Premier's favourite team, the Wests Tigers, to announce that the airline will establish a new base in Sydney to service Australia's east coast routes, creating 150 new jobs. Tiger Airways' new base will see three Airbus A320 passenger jets operating out of Sydney by September, with strong potential for future growth over the coming years. The Sydney base will allow Tiger Airways to focus on growth in key routes between the corridors of Sydney, Melbourne and Brisbane, as well as the Gold Coast, servicing both leisure and business travellers.

These routes are some of the busiest in the world, and the provision of up to 10 daily return services will provide an additional 3,600 visitor seats per day through Sydney. Tiger Airways' move will generate

immediate jobs as the aircraft will require flight crew, cabin crew and ground crew, as well as engineering support. In further great news for Wests Tigers fans everywhere, the airline also announced its 2012 sponsorship of the Wests Tigers national rugby league team, which will provide further promotional opportunities for Sydney, which is the rugby league capital of Australia. One factor in the decision of Tiger Airways to locate its base in Sydney is our Jobs Action Plan, which provides payroll tax rebates to companies setting up in this great State and creating new jobs. In a further demonstration that New South Wales plays a key role in the burgeoning aviation sector, on Monday I announced that Bankstown Airport, in the East Hills electorate, will be a global base for the manufacturing of carbon fibre wing flaps for C130J Hercules military transport aircraft.

[Interruption]

Members opposite are not interested in jobs and economic benefits for our State. All they want to do is muck rake. That is the typical *modus operandi* of the Labor Party.

The SPEAKER: Order! I warn members that if they do not cease interjecting I will place them on calls to order.

Mr ANDREW STONER: I know that members of the public, including our visitors from Canada, Government members and the Independents are interested in jobs in this State.

Ms Linda Burney: No they're not.

Mr ANDREW STONER: The member for Canterbury is becoming shrill. The longer she sits on the Opposition benches, the more shrill she gets.

Dr Andrew McDonald: Point of order: Clearly, that comment is unacceptable and it does the Deputy Premier no credit. I ask him to apologise and withdraw it.

The SPEAKER: Order! I draw the attention of the Deputy Premier to the nature of his comment. I ask him to cease making such comments in the House. It is his decision as to whether he withdraws it and apologises.

Mr ANDREW STONER: For the sake of the member for Canterbury, thank heavens there is no standing order dealing with shrillness, because if there were she would be removed from the Chamber on a daily basis.

Dr Andrew McDonald: Point of order: That is a disgrace.

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

Dr Andrew McDonald: This does us no justice.

The SPEAKER: Order! The member for Macquarie Fields will resume his seat. I understand the point the member is making. I have asked the Deputy Premier to cease making such comments. It is up to him as to whether he will apologise.

Mr ANDREW STONER: I will get back to the things that matter to this State.

The SPEAKER: Order! Opposition members should cease directing those kinds of interjections at the Deputy Premier.

Mr ANDREW STONER: Advanced manufacturing company Quickstep has won a multi-year Hercules contract with Lockheed Martin, valued at between \$75 million and \$100 million. This will create more than 60 jobs at Quickstep's new facility at Bankstown, helping contribute to our skilled and innovative workforce. The announcement follows last year's memorandum of understanding with Northrop Grumman—*[Time expired.]*

Mr GLENN BROOKES: I seek an extension of time for the Minister to conclude his answer.

The SPEAKER: Order! The Minister has an additional two minutes to conclude his answer.

Mr ANDREW STONER: The announcement follows last year's memorandum of understanding with Northrop Grumman, worth up to \$700 million, to manufacture up to 16 different parts for the international F-35 Lightning II—Joint Strike Fighter—program, which is the world's largest military program. Whether it is attracting new jobs or consolidating existing ones, the Government is getting on with it. Recently I announced that Thales Australia, one of Australia's largest defence contractors, will establish a new headquarters in Sydney, investing \$10 million and supporting about 500 jobs. Thales Australia's long-term lease at the Navy's Garden Island facility in Sydney expires in 2013, and it is great news that it has chosen to move its headquarters to a new Sydney location while continuing to service ships at Garden Island. The Thales Australia headquarters is a major operation.

[Interruption]

I will have a go at the member for Shellharbour under the same standing order if she keeps that up.

Ms Anna Watson: Point of order: We come into this Chamber week after week and hear Government members degrade women day in and day out.

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

Ms Anna Watson: The Deputy Premier is a disgrace.

The SPEAKER: Order! I ask the member for Shellharbour to think about the kinds of interjections members direct at Government Ministers and members on any day in this Chamber. Sometimes that is the sort of environment it is. I have asked the Deputy Premier to cease making the type of comment he directed at the member for Canterbury, but I remind the member for Shellharbour that interjections of that nature are made every day from both sides. Let us not get too precious about it.

MINISTER FOR TOURISM, MAJOR EVENTS, HOSPITALITY AND RACING

Mr NATHAN REES: My question is addressed to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts. Given the Minister's answers in this place yesterday and today, will he explain to the House why his first loyalty is not to the Premier?

Mr GEORGE SOURIS: The discussions I had with Peter Grimshaw about his partner being the alleged victim of sexual harassment at The Star were held in a private capacity. The information was not relevant to any decision being considered by the Government. My loyalty to the Premier, my colleagues and the people of New South Wales remains completely undiminished. I have nothing further to add.

STATE ECONOMY

Mr DAVID ELLIOTT: My question is addressed to the Treasurer. Will the Treasurer advise the House what the latest economic data reveals about the challenges ahead for the New South Wales economy?

Mr MIKE BAIRD: The member for Baulkham Hills understands that financial management and the O'Farrell Government are at the core of driving businesses and the economy across the State. We have made it clear that there are many challenges. It is great to address an issue of substance that the State is facing, rather than what we have heard from members opposite. The New South Wales economy is facing key challenges—we have been clear on that. Revenue is being impacted by global conditions. Whether it is the Euro zone and the challenges we are seeing with the global financial crisis or whether it is the American economy and the challenges we are seeing there, those factors are having an impact in New South Wales, including an impact on our GST revenue.

Since our September budget we have seen a slowdown in the GST to the tune of almost \$600 million. The New South Wales economy also has a services focus as opposed to some of the mining upside we see in Queensland and Western Australia, which means that we are exposed to the contractions in the services industry that we are seeing across the economy. But the O'Farrell Government is taking action to restore confidence in the New South Wales economy and to get the State moving again after years of neglect.

Through our Jobs Action Plan we have provided incentives and we have seen in the jobs numbers—withstanding the Opposition cannot add up, despite having the calculator I gave them at Christmas—

38,000 jobs across the economy since the O'Farrell Government came to power and 18,000 jobs in New South Wales. Job statistics are volatile—they go up and down—and you need to look at the long-term trend, but we are seeing some positive signs.

At the same time we have got on with the job of building infrastructure, not talking about it but actually delivering the infrastructure that the State desperately needs. Whether it is our hospitals, roads like the Pacific Highway or the North West Rail Link, we are getting on with building the infrastructure. Most importantly for stakeholders across New South Wales, they are seeing sensible and stable government. They have been demanding that for a long time after many years of reckless financial management. We have seen some positive signs today.

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

Mr Nathan Rees: Point of order: My point of order is relevance. As recently as the weekend, Michael Lambert said there is no black hole.

The SPEAKER: Order! That is not a point of order.

Mr MIKE BAIRD: The member for Toongabbie should ask a real question rather than the nonsense he is coming up with at the moment. The positive signs we saw today are in State final demand. It is an important economic measure and one would think the Opposition would focus on it, but it does not. What did we see in New South Wales? We saw a 0.8 per cent increase. What does it mean? Of all the non-mining States, New South Wales is leading the way in demand growth both on a quarterly and an annual basis. Again, we have to look at the long-term trend. We saw strong growth in business investment, about 3.1 per cent.

The SPEAKER: Order! The member for Canterbury will resume her seat and cease interjecting from the table.

Mr MIKE BAIRD: The housing numbers were weak and that sector continues to face challenges. We face challenges across the economy, but we are making progress. In the last two quarters under Labor—these are the facts—economic growth was 0.2 per cent. Under the O'Farrell Government, economic growth in the last two quarters was 1.3 per cent.

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

Mr MIKE BAIRD: Over the past 10 years we saw the lowest economic growth but we are now the leading non-mining State in the country in relation to growth.

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

Mr MIKE BAIRD: There are more challenges to come but we recently saw our triple-A credit rating confirmed, which indicated among other things New South Wales's increased willingness to manage costs more efficiently. The agency was comforted by the strict cost control measures put in place under the new Government. We are managing within our means for the first time in a long time, but we must remain vigilant because the challenge in 2012 cannot be underestimated. We are taking the necessary action in the interests of New South Wales. One of the big lessons out of the global financial crisis, and it is pretty simple, is that reckless financial management will be punished. If Labor was still in power the triple-A credit rating would be lost. With the actions the O'Farrell Government is taking we will not be punished. The agencies will respond to positive financial management.

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

Mr MIKE BAIRD: It is an encouraging start today that New South Wales is leading the non-mining States, but there is more work to do in the interests of the people of New South Wales.

SMALL BUSINESS COMMISSIONER

Mr JAMIE PARKER: My question is directed to the Minister for Small Business. Can the Minister inform the House when the Government will introduce the much-needed framework for the Small Business Commissioner to protect and support the important role of small business?

Ms KATRINA HODGKINSON: I thank the member for Balmain for that very thoughtful question and for his obvious interest in the New South Wales Government's policies, particularly in relation to the powerhouse of New South Wales, which is of course small business.

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

Ms KATRINA HODGKINSON: That lot opposite, Opposition members, should be interested in this answer because after all they spent 16 years converting big business into small business. I am glad to say that those days of neglect are clearly over. This Government has delivered a terrific package of reform for small business. Just today the NSW Business Chamber praised the New South Wales Government for its engagement with the business community and the appointment of this State's first Small Business Commissioner, and gave us a terrific report card. Stephen Cartwright said:

There's no doubt that the O'Farrell Government has had a solid first year, and one that the community should be pleased with. Significant time and energy has been spent in getting the fundamentals in place to allow the State to prosper.

That is a terrific report card for the O'Farrell State Government. Our Small Business Commissioner, Yasmin King, is providing low-cost dispute resolution services, advising small business operators on ways to further cut red tape, and identifying new ways that we can create a positive climate so that small businesses can flourish and prosper. I am pleased to inform the House that the New South Wales Government is currently consulting with agencies, small businesses, industry associations and other key stakeholders to work towards the formal legislative establishment of the role and functions of the Small Business Commissioner. It is also intended that the Small Business Commissioner legislation will enable small businesses to gain assistance when they are dealt with unfairly by other businesses and government agencies. Formal public consultation, through the release of a consultation paper, will help shape the proposed legislation and the role and function of the Small Business Commissioner. This consultation paper is due to be released very shortly.

One of the commissioner's first actions was to embark on a month-long listening tour throughout New South Wales. She travelled throughout regional New South Wales and many of the cities as well to hear directly the concerns, challenges and rewards of being a small business operator. It has been terrific to have some positive feedback from Balmain as well about the Small Business Commissioner. She has met with more than 500 local business operators across the State. I quote from that great local newspaper the *Penrith City Star*. Members opposite probably have not even looked at the *Penrith City Star* since that fabulous member for Penrith, Stuart Ayres, was elected in 2010. I bet they have not bothered to consult it. The newspaper said in relation to the Small Business Commissioner that this was "some big help for small business". As part of her listening tour the commissioner also visited regional cities and towns.

The *Coffs Coast Advocate*, that great regional newspaper—I know the member for Coffs Harbour is a great contributor—had an article entitled "King visit for small businesses". I am sure the member for Balmain will be pleased to hear the Small Business Commissioner will officially visit his electorate on 28 March. I know he is looking forward to the commissioner hearing firsthand from local small businesses about the challenges they face in operating their businesses. Standing up for small businesses is front and centre of the New South Wales Liberals and Nationals' agenda. Just two weeks ago the Government announced that we are dedicating \$5 million for the delivery of small business support services under the Smallbiz Connect program. We want to give more depth to small business service delivery across the State. By their own life journeys, our new local members, including the member for Parramatta, have shown the importance of small business is to this State and how successful small business can be with the right support from government.

All current contract holders for business advisory services will have the opportunity and are encouraged to participate in the expression of interest for this new program. The announcement has been very well received. Business Enterprise Centres Australia Chairman Jack Hughes congratulated the State Government in a media statement headed: "NSW Government sends profound message of hope to small business". We have great new members in Tamworth, Dubbo, Monaro, Port Macquarie and Bathurst all looking forward to the new Smallbiz Connect program. With their small business backgrounds they have all come to see me about small business matters in their electorates, where business confidence suffered a serious blow under that lot opposite. Regional New South Wales has some of Australia's most dedicated and dynamic small business operators. We continue to deliver for small business. [Time expired.]

MULTICULTURAL POLICIES AND SERVICES PROGRAM

Mr CHARLES CASUSCELLI: My question is addressed to the Minister for Citizenship and Communities. What is the Government doing to improve customer service for people from culturally diverse backgrounds?

Mr VICTOR DOMINELLO: I thank the member for Strathfield for his question, a man who knows the value of multiculturalism. He realises that it is an asset to this State. Everyone in this House should agree that by world's standards we live in an amazing and successful society, and that a significant part of our success is our diversity. Some 25 per cent of New South Wales citizens are born overseas and some 40 per cent have at least one parent born overseas. Sydney is one of the most culturally diverse cities.

Ms Linda Burney: It will be seven minutes, Victor; seven minutes.

Mr VICTOR DOMINELLO: Does the member want an extension of time? I am happy to give her one. Sydney is one of the most culturally diverse cities. Tomorrow at a meeting of the ministerial council—

The SPEAKER: Order! Opposition members will come to order.

Ms Linda Burney: Do you have enough notes there?

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

Mr VICTOR DOMINELLO: Our Victorian cousins will assert that they live in the most multicultural city in our great country, but let me give my Victorian counterparts a head up: they are wrong. Sydney, with some 35 per cent of people born overseas, is Australia's multicultural capital. Indeed, it is our leader. The people who join us are proud and productive people who want a better future for their kids. Second generation migrants have higher educational attainment, higher employment and lower under-employment rates than the children of Australian-born parents. More than 20 per cent of small businesses, our economy bedrock, are owned and operated by migrants—a sector that the Minister for Small Business strongly supports.

Our workplaces are among the world's most culturally and linguistically diverse, which gives us access to a global economy and the fast-growing Asian region. As the Premier says, multiculturalism is a great way of life and it is an asset. In line with our target in NSW 2021, we have moved to grow that asset. We created the Multicultural Business Advisory Panel—reporting to the Deputy Premier and me—to use our cultural and linguistic capacity for greater trade and export opportunities. We held the Multicultural Business Summit and formed the Ministerial Roundtable on Workplace Diversity. Today I announce reforms to the Multicultural Policies and Services Program to ensure that the services provided by New South Wales government agencies are well matched to the changing face of our community.

Under the Multicultural Policies and Services Program all New South Wales public sector agencies are required to demonstrate commitment to, and resourcing of, suitable programs and services to meet the needs of our diverse society. Given that our citizens come from some 200 countries and speak some 200 languages, the Multicultural Policies and Services Program should provide our public sector agencies with an imperative to maintain equitable, responsive and cost-effective service delivery. Regrettably, because Labor is more interested in politics rather than policy, as we have seen today, performance under the Multicultural Policies and Services Program has slipped. Some major government departments chronically failed to comply with the Multicultural Policies and Services Program or were found to be underperforming. This Government finds that unacceptable and has acted to fix it.

Under changes to the Multicultural Policies and Services Program, and in line with the Commission of Audit's accountability emphasis, Ministers and directors general of key government agency clusters will now be additionally responsible for the planning, conduct and reporting of strategies that meet the culturally diverse principles. Now, at not only agency level but also at cluster level, government will need to factor for diversity when delivering services and programs. At the cluster level, directors general must now submit multicultural plans with input from their Ministers, and they must report against those plans to the Community Relations Commission, which will assist agencies to focus on those strategies that best produce results. The reforms also provide for early warning mechanisms to identify an agency that is struggling to meet obligations.

Simply put, cultural diversity is being brought into the engine room of government decision-making because we take service delivery seriously and we take our diverse clients and communities respectfully. People who are Chinese, Indian, Vietnamese, Lebanese, Filipino, Korean or any other kind of Aussie, want their trains to run on time; they want a high-quality hospital, a great education for their kids, and economic opportunity and prosperity. Those opposite talk about multiculturalism as being part of their DNA. It shows that Labor has learned nothing from its defeat, particularly in electorates with high levels of cultural diversity such as Strathfield, Parramatta, Granville, Smithfield and Monaro, all of which are now Liberal and Nationals heartland.

A memo to those opposite: multiculturalism and our shared Australian democratic values are the DNA of our whole community and our whole society. Multiculturalism is not a way to divide and conquer, it is away to unite and grow social, cultural and economic benefits for all of our citizens.

Mr CHARLES CASUSCELLI: As an immigrant myself and therefore, by definition, coming from overseas—

The SPEAKER: Order! Is the member seeking an extension time to enable the Minister to complete his answer?

Mr CHARLES CASUSCELLI: I would appreciate it.

The SPEAKER: Order! The Minister has a further two minutes in which to complete his answer.

Mr Nathan Rees: Didn't the *Tampa* unify Victor? What about buckets of extinguishment? Didn't that unify?

The SPEAKER: Order! The member for Toongabbie will come to order. The Minister has the call.

Mrs Barbara Perry: I thought multiculturalism was a bipartisan issue: you have made it political today. What a disgrace.

The SPEAKER: Order! I hope the Minister is not offended by these sexist comments.

Mr Nathan Rees: Apologise for *Tampa*; that was wrong.

Ms Linda Burney: Why didn't John Howard apologise?

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

Mr VICTOR DOMINELLO: Let us just get all the poison onto the record.

The SPEAKER: Order! The Minister was granted a further two minutes. I ask him to use it wisely. The Minister should not encourage those opposite.

Mr Nathan Rees: Any more? Any more facts?

Mr VICTOR DOMINELLO: I will give you facts: I can count 20 kumquats over there and I can count a whole lot more genuine representatives on this side. They are the facts.

Ms Linda Burney: Point of order—

Mr Nathan Rees: You're a lightweight, mate.

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

Ms Linda Burney: My point of order is relevance. This has been a bipartisan issue.

The SPEAKER: Order! That is not a point of order. The member will resume her seat.

Ms Linda Burney: You are disgrace. You should grow up and recognise—

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

Mr VICTOR DOMINELLO: Sit down. The member is absolutely right. This issue should be above politics.

The SPEAKER: Order! The Minister has four seconds remaining.

Mr VICTOR DOMINELLO: The member would be well placed to read what I have said.

The SPEAKER: Order! The Minister's time has expired.

FORMER MEMBER FOR CLARENCE

Mr GREG SMITH: On 23 February I was asked a question by the member for Toongabbie about what action my department was taking to progress charges against the former member of Parliament of The Nationals, Steve Cansdell, in relation to a statutory declaration. The Office of the New South Wales Director of Public Prosecutions has advised me that Mr Cansdell signed a Commonwealth statutory declaration and therefore it is not expected that any State charge will be brought.

Question time concluded at 3.08 p.m.

STATE AND REGIONAL DEVELOPMENT COMMITTEE**Reference**

Mr ANDREW GEE: I inform the House that, pursuant to Standing Order 299 (1), the State and Regional Development Committee has resolved to conduct an inquiry into inter-regional public transport, the full details of which are available on the committee's home page.

PETITIONS

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

Central Coast Radiotherapy Services

Petition requesting the immediate provision of free public access for radiotherapy patients on the Central Coast, received from **Mr Chris Hartcher**.

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

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

Byabarra Public School Staffing

Petition regarding the withdrawal of teaching staff from Byabarra Public School and the lack of transparency in the review and closure process of P6 schools, received from **Mr Andrew Stoner**.

Pets on Public Transport

Petition requesting that pets be allowed on public transport, received from **Ms Clover Moore**.

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**.

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

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**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Central Coast and North-west Sydney Transport Services

Mr DARREN WEBBER (Wyang) [3.12 p.m.]: It gives me great pleasure to highlight the many reasons that my motion should be accorded priority. After being ignored and neglected by members opposite for 16 years, long-suffering Central Coast commuters are now seeing improvements in transport services on the Central Coast. My motion should be accorded priority because it provides an opportunity for members to highlight the fact that the O'Farrell Government is delivering on its election commitments—a concept that is foreign to members opposite. Members on this side of the House understand the pressures faced by hardworking Central Coast families and we will continue to do everything we can to provide the services, facilities and infrastructure they need.

This week saw another great improvement for Central Coast commuters when Minister Berejiklian, the Minister for Transport, travelled by train from Sydney to Wyong—which she does on a regular basis, unlike members opposite, who get a chauffeur to drive them—to make more positive announcements. The Minister for the Central Coast, the Hon. Chris Hartcher, and I accompanied the Minister. An extra 33,800 train seats have been provided this week for commuters travelling between Sydney and the Central Coast. Extra carriages have been provided on 41 train services, which will make an enormous difference to the Central Coast. This Government understands the importance of being able to get a seat on the journey to and from work. It also understands that the Central Coast region has the largest commuting population in Australia.

This motion provides members with the opportunity to highlight the introduction of quiet carriages on Central Coast trains, which have been hugely popular since they were delivered by Minister Berejiklian. This motion should be accorded priority because it also provides an opportunity for members to highlight the Government's commitment to delivering extra services not only to the Central Coast but to all areas of New South Wales, including the north-west region of Sydney. This motion should be accorded priority because it highlights the benefits that can be achieved when all Central Coast members work as a united team. That is in stark contrast to the factional bickering and infighting indulged in by members opposite. In the first year of Liberal-Nationals governance, the Central Coast has not only a record number of train carriages but also a record number of police officers, medical interns and nurses. This motion should be accorded priority so that members can expand on all the opportunities that Central Coast commuters now have because this Government has provided extra carriages, extra seats and quiet carriages.

Minister for Tourism, Major Events, Hospitality and Racing

Mr NATHAN REES (Toongabbie) [3.14 p.m.]: My motion should be accorded priority because in recent days we have seen an extraordinary change in the basis for decision-making in New South Wales and the provision of information to the public. Instead of observing the doctrine of ministerial responsibility, we have a Minister who says that simply because someone is his mate he does not have to reveal information that is germane to the operation of an outfit that furnishes \$100 million to the New South Wales government each year and an outfit that, because of the billion dollars spewing into the public domain, has considered the potential for a new casino—which was eagerly lapped up by the Premier earlier this month in an extraordinary perversion of the public interest. The Minister said that the private discussions he had with a mate of 25 years will not be disclosed because they are not in the public interest. This goes directly to the heart of probity and transparency in this State.

Mr Andrew Fraser: Point of order—

The SPEAKER: Order! I remind the member for Coffs Harbour about taking points of order, unless it is about disorder.

Mr Andrew Fraser: The member for Toongabbie is clearly breaching Standing Order 73, which deals with imputations about fellow members. If he wishes to do that he should do so by way of substantive motion.

The SPEAKER: Order! I draw the member's attention to those comments. The member for Toongabbie should be careful about making imputations about other members.

Mr NATHAN REES: This is the motion.

The SPEAKER: Order! I understand the terms of the motion.

Mr NATHAN REES: This is an organisation that delivers \$100 million each year to the New South Wales Government. It must operate observing the highest standards of transparency and probity. Instead, we have a Minister responsible for the casino who is hiding behind a smokescreen of mateship and obfuscation around an allegation of harassment. The definitive interpretation of ministerial accountability is contained in a House of Commons paper, which states:

It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity ... Ministers should be as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest.

Of course, that should be decided in accordance with relevant statutes. I draw members' attention to the Government Information (Public Access) Act. The public interest is not overridden by the Minister's mateship. This goes to the heart of a matter settled some 30 years ago when Lionel Murphy said to Morgan Ryan, "What about my little mate?" That precipitated a royal commission and a prosecution. The Minister is in serious danger of imperilling the transparency and probity of the Act that relates to the casino in this State. The organised crime, the loan sharking and the money laundering that goes on— [*Time expired.*]

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

The House divided.

[*In division*]

The SPEAKER: Order! The member for Castle Hill will resume his seat. Members of Parliament should not communicate with people in the visitors' gallery and the person in the visitors' gallery should not communicate with members of Parliament.

Ayes, 64

Mr Anderson	Mr Gee	Mr Roberts
Mr Annesley	Mr George	Mr Rohan
Mr Aplin	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 Berejikian	Mr Hazzard	Mr Souris
Mr Bromhead	Ms Hodgkinson	Mr Speakman
Mr Brookes	Mr Holstein	Mr Spence
Mr Casuscelli	Mr Humphries	Mr Stokes
Mr Conolly	Mr Issa	Mr Stoner
Mr Constance	Mr Kean	Mr Toole
Mr Cornwell	Dr Lee	Ms Upton
Mr Coure	Mr Notley-Smith	Mr Ward
Mrs Davies	Mr O'Dea	Mr Webber
Mr Dominello	Mr Owen	Mr R. C. Williams
Mr Doyle	Mr Page	Mrs Williams
Mr Elliott	Ms Parker	
Mr Evans	Mr Patterson	<i>Tellers,</i>
Mr Flowers	Mr Perrottet	Mr Ayres
Mr Fraser	Mr Provost	Mr J. D. Williams

Noes, 23

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

Question resolved in the affirmative.

CENTRAL COAST AND NORTH-WEST SYDNEY TRANSPORT SERVICES

Motion Accorded Priority

Mr DARREN WEBBER (Wyang) [3.27 p.m.]: I move:

That this House notes that the Government is delivering on its commitment to provide better transport services for commuters on the Central Coast and in Sydney's north-west.

The New South Wales Liberal-Nationals Government is delivering for the people of the Central Coast and north-west Sydney. We are delivering on providing better transport services for commuters, not only in my electorate of Wyong on the Central Coast but also in north-west Sydney. We are committed to delivering for the long-suffering commuters of the Central Coast by producing better services and cheaper fares and providing for a comfortable journey for commuters. The Central Coast has the largest number of commuters in Australia, with 43,000 Central Coast residents who travel every day to Sydney or Newcastle for work. An estimated 3,500 people commute by train to Sydney every day, which equates to about 7,000 daily commuter trips between the Central Coast and Sydney.

This week I accompanied Gladys Berejiklian, the Minister for Transport, and Chris Hartcher, the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast, who announced that the Government has delivered 33,800 additional seats on train services from the Central Coast to Sydney and Newcastle. This will make the journey a lot more comfortable, alleviating the discomfort of commuters who have had to stand up for 1½ hours each way to and from work. I also have endured this unfortunate scenario. Additionally, we have provided further carriages on 41 selected weekday and weekend services, providing more seating not just for peak hour commuters but also for off-peak services to ensure that everyone will benefit.

The O'Farrell Government understands the need for commuters to have a comfortable and safe journey. Accordingly, it will deliver 12 new OSCar trains, which are wheelchair accessible and equipped with both visual and audio information screens and the most up-to-date safety features. The Government is committed to the people of the Central Coast. It understands that commuters have to travel for extended periods, often during the early hours of the morning. The first and last carriages of all peak hour services have now been designated "quiet carriages". It is hoped the quiet carriages will ensure a more pleasant journey for commuters. In a recent customer survey conducted by CityRail, 70 per cent of passengers said they found loud talking on trains annoying, while 67 per cent found loud music disruptive. The Government has responded to those concerns and believes that commuters who want a quiet travelling environment should be able to utilise the quiet carriage initiative to enhance their commuting experience.

The Government is committed also to lowering the cost of commuting for all commuters and has delivered with the provision of cheaper train fares and shorter ticket queues. It has cut the price of train fares by \$108 per annum. It also has encouraged commuters to purchase monthly and yearly tickets in an endeavour to reduce queues. Monthly tickets have been discounted by \$9, quarterly tickets by \$25 and yearly tickets by \$100. This is a demonstration of the Government's determination to invest in public transport and get motorists off the roads. The Government also is dedicated to providing much-needed transport infrastructure in north-west Sydney. More bus services have been provided in north-western Sydney, which has resulted in reduced travelling times. As commuter comfort is paramount, 24 brand new buses have been rolled out as part of the \$118.8 million budget commitment to provide approximately 250 new buses for State Transit and private operators.

For years, commuters living in places such as Rouse Hill have been asking for more frequent and faster services to Sydney and Parramatta. The O'Farrell Government has listened and a new 602 Rouse Hill town centre to North Sydney service along the M2 will be introduced. That service is expected to save passengers up to 25 minutes per trip, which will leave them more time to spend with their families. This Government delivers, which is in vast contrast to members opposite, who never delivered for the Central Coast or north-western Sydney. I remind the House of a commitment given during the 1999 election by the then Labor Government to build a high-speed rail link at a budgeted cost of \$800 million. Then Premier Bob Carr promised that the high-speed rail link would be completed by 2012. Here we are in 2012 and I do not see a high-speed rail link. Bungle after bungle plagued the former Labor Government. Who can forget the so-called Sydney Metro project? That project cost taxpayers \$500 million. Unlike members opposite, the O'Farrell Government is delivering for the long-suffering commuters of the Central Coast, and for the next three years and many years to come it will continue to do so.

Mr MICHAEL DALEY (Maroubra) [3.32 p.m.]: The Government is delivering for the people of north-west Sydney and the Central Coast—it is delivering projects planned by the former Labor Government. For instance, the widening of the M2 and most of the rail initiatives mentioned by the member for Wyong were planned under the former Government. The other thing that the Government is delivering for the people of north-west Sydney and the Central Coast is talk and not much else.

Mr Chris Hartcher: Good talk though.

Mr MICHAEL DALEY: Not in your case. In your case it is just drivél. Infrastructure NSW was the vehicle to be employed by the Government for all infrastructure projects in New South Wales. The Premier expressly promised to sink \$5 million into Infrastructure NSW during the first year of government. How much money has been put in? Zero. It was going to be funded from Waratah bonds, which have been a complete and absolute flop. It was going to be funded by windfall tax gains, none of which have occurred. Treasurer Baird has taken a \$1.3 billion surplus and turned it into a deficit—namely, a \$2 billion turnaround in his first budget. There are rolling deficits as far as the eye can see. Notwithstanding that, staff are being sacked hand over fist, net debt has increased by 40 per cent in this budget and we are yet to see a sleeper on the North West Rail Link.

Mr Darren Webber: How is the Sydney Metro going?

Mr MICHAEL DALEY: The O'Farrell Government should be held most culpable in relation to the Central Coast. I note the interjection by the member for Wyong, dead man walking. David Harris—

Mr Darren Webber: Point of order: I feel fine. My heart rate is fine. All is well.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Mr MICHAEL DALEY: The member for Wyong should enjoy the good health of his political career because David Harris will devour his career with some fava beans and a nice chianti.

Mr Darren Webber: David who?

Mr MICHAEL DALEY: The member will find out. In March 2015 David Harris will be sitting in this place with some fava beans and a nice chianti. He is going to devour the member's political career.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I will not tolerate the member for Wyong stepping up to the microphone to make such comments.

Mr MICHAEL DALEY: The funding for roads on the Central Coast was cut by more than \$40 million in the failed first Baird budget—it was slashed by nearly one-third from last year's budget. That made the road users of the Central Coast one of the biggest losers in the first Baird budget. From memory, when I was the Minister for Roads the former Labor Government was spending \$330 million in four years on Central Coast roads, and I think it ended up to be something like \$600 million. Last year the former Government spent \$135 million in one year on Central Coast roads; and that has now been reduced to \$93 million. What about Wyong Road, one of the marquee roads on the Central Coast? What happened to that road in the electorate of the dead man walking?

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Maroubra will refer to members by their correct title.

Mr MICHAEL DALEY: There was a \$50 million road upgrade for Wyong Road. What did Treasurer Baird and the member for Wyong manage to secure for that road in this budget? An amount of \$2 million—\$48 million short in one year. That is an abject failure on the part of the member for Wyong. It is not only happening on the Central Coast, it is happening everywhere. Despite all the talk, in its first budget the New South Wales Government has promised to spend \$400 million less on infrastructure this year than the former Labor Government spent last year. That is why nothing is happening on the Central Coast. That is why Wyong Road is so underfunded. That is why there is not a single sleeper or a bulldozer on site for the North West Rail Link. An amount of \$300 million has been allocated by the Government for that \$10 billion project. All we get, whether it is north or north-west, is talk, talk and more talk.

Mr KEVIN CONOLLY (Riverstone) [3.37 p.m.]: It is with much pleasure that I make a contribution to the debate on this motion. I place on record the prompt action taken by the O'Farrell Government in providing better rail services to the Central Coast, the Hunter and north-west Sydney. In the Government's first budget new buses to the value of \$118 million have been delivered. The share of buses to north-west Sydney is in response to services that for years people in that area have been crying out for. When campaigning for the seat of Riverstone I was repeatedly told of the need for a direct bus service to North Sydney from the north-west. On 19 March that service will start.

Five new buses will provide five morning peak and afternoon services from Rouse Hill town centre, down Windsor Road and along the M2 to North Sydney. Hundreds of people will benefit because this Government is delivering, not just talking. It is remarkable that the member for Maroubra took credit for being a Minister for Roads under the former Government. When one considers the deplorable state of the roads that we inherited one wonders why he would want to do that. The former Labor Government is more famous for its inaction, failure to deliver, overpromising and not delivering than it is for anything else. This Government is providing further services. Two new buses have been added to the morning and afternoon peak periods on the 612 Kellyville to Milsons Point service.

The 619 Castle Hill to Macquarie Park service has two new buses and in April-May on the 607X Rouse Hill Town Centre to the city service seven new buses will be added to the morning peak period and five to the afternoon peak period. The people of my electorate have been crying out for these services for a long time and this Government is delivering. In April-May three new buses will be added to the morning and afternoon peak periods for the 616X Kellyville Ridge to the city service—a service that was sorely in need of those additional buses. The pressure on that run will be relieved by the 602 service as some people will now have a direct service and will no longer need to use the 616 service.

Four buses will be added to the morning and afternoon peak periods for the 611 Blacktown to Macquarie Park service from the end of May, and an additional bus for the T63 Kellyville Ridge to Parramatta service will commence at the end of June. This completes the suite of new services for the north-west in the rollout between 19 March and end of June. It will provide services for the people of Riverstone, Baulkham Hills, Castle Hill, Hawkesbury, Blacktown and Toongabbie electorates and right across the north-west. The Government is delivering on commitments, not just repeating promises year after year. The member for Maroubra referred to the North West Rail Link. Labor said that the rail link would be completed by 2010. Obviously that has not happened.

Mr RYAN PARK (Keira) [3.40 p.m.]: It gives me great pleasure to speak about transport on the Central Coast. However, I thought the motion might have commenced with the words, "That this House congratulates the Labor Government ..." If the Government were fair dinkum it would know that Labor delivered those 41 new buses.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Government members will listen to the debate in silence. The member for Wyong will have the opportunity to speak in reply. The member for Keira will address his comments through the Chair.

Mr RYAN PARK: Labor delivered 41 new buses and 1,500 extra services per week. A Labor Government invested \$195 million into the train line from Gosford to Newcastle to improve that line for the travelling public. When we talk about what Labor delivered we are referring to easy upgrades right across the Central Coast for Woy Woy, Gosford and Wyong. Labor delivered a 500-space transport interchange at Tuggerah station. When we talk about transport on the Central Coast we are referring to Labor, because a Labor Government delivered 64 outer suburban carriages [OSCars], providing additional services for people on the Central Coast to travel to and from the city.

In addition, the Labor Government delivered MyZone, the largest reform to ticketing that New South Wales has ever seen. Labor has saved the residents of New South Wales \$300 a year yet this Government, despite telling residents that it would not increase rail fares above the consumer price increase, within 12 months jacked up rail fares and took away much of the savings that Labor delivered under MyZone. The Government should be ashamed and it should congratulate Labor.

Mr DARREN WEBBER (Wyang) [3.43 p.m.], in reply: I thank the member for Keira, the member for Riverstone and the member for Maroubra for their contributions to debate on the motion accorded priority. It was good to have some heated debate. I place on the record the statements made by some people who matter. The *Central Coast Express Advocate*, that great bastion of journalism on the Central Coast, stated:

Credit where it is due. The announcement by the State Government that it plans a major boost to the number of rail carriages servicing our line is most welcome. Virtually all of us have, at some stage, experienced the old "stand up all the way" trip either to or from Sydney. Even if the boost doesn't completely eliminate that, it will certainly go a long way to alleviating it—something that all regular commuters will welcome.

On my Twitter page today Ritz Hire Cars on the Central Coast said:

Great news for coast commuters—should encourage more people to travel by train—well done.

That is in stark contrast to what we have heard from members opposite. The member for Keira suggested that we should congratulate the former Labor Government. I take this opportunity to thank the former Labor Government for the lack of a West Gosford interchange, the lack of a Wyong Road upgrade and the lack of a Pacific Highway upgrade through the Wyong central business district. He mentioned the Tuggerah Park interchange that the former Labor Government built. However, there was really no need for that because all the cars along Wyong Road are parked anyway; one does not need to go to a car park as the cars are all stuck in traffic.

The member for Maroubra accused the Government of being all talk. That is hilarious when one considers that the former Government was all talk, all plans and no delivery. He referred to the discrepancy between Labor's budget allocation to roads and our alleged discrepancy this financial year. The issue deals with the planning stages. The lack of planning we inherited for major projects on the Central Coast was appalling. Millions of dollars cannot be invested into projects until the projects are planned. I refer to the Warnervale town centre intersection project, which was promised before I was born. That cannot proceed until the intersection is built.

Funds cannot be allocated towards building an intersection until a plan assessing the cost of the project is drawn up. The member for Maroubra is well aware of that; he is simply playing politics and the people of the Central Coast know that, which is why there are no Labor State members of Parliament on the Central Coast. The Labor Party's glamour boy on Central Coast is not the former member for Wyong—as the member for Maroubra would have us believe—it is Craig Thomson, Mr Credit Card. Shame, shame, shame.

Motion agreed to.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT (CHANGE OF NAME) BILL 2012

Agreement in Principle

Debate resumed from an earlier hour.

Mr ANDREW GEE (Orange) [3.48 p.m.]: I speak in support of the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012 because it will make it easier for relevant authorities to monitor the activities of inmates, parolees, remandees, serious sex offenders and forensic patients. As we have heard already, currently we do not have laws that govern changing of names for these categories of people, thus offenders can change their names at will. They may change their names for an improper purpose, such as to commit a crime. A name change could be used also to cause offence that may be unknown to the registrar considering the application because the criminal history was not disclosed. The bill closes the gap in this area of the law. It deems inmates, parolees, people on remand, serious offenders, including sex offenders, forensic patients and others to be restricted persons, and restricted persons will not be able to change their names without the written approval of their supervising authority.

Supervising authorities are in the best position to know whether a change of name would be offensive, so it is appropriate that their approval is needed before a name change comes into effect. The community expects serious offenders and forensic patients to be closely monitored. The bill facilitates that supervision and I believe it will be widely welcomed in the community. For example, forensic patients will have the Mental Health Review Tribunal as their supervising authority. The particular danger that this class of people pose to a community makes it appropriate that a more rigorous approval process is in place in relation to them. There may be cases where a change of name for a restricted person is appropriate, and the bill provides for a supervising authority to approve a change of name if it is necessary or reasonable.

When a name is offensive or when it is likely to be used to hinder or evade supervision, to further an unlawful activity, to jeopardise another person's health or safety or to adversely affect the security or discipline of the facility in which an applicant is held, a supervising authority cannot give its approval. Another feature of the bill is that it applies to serious offenders even when their prison and parole terms have expired. Serious offenders will require the approval of both the Commissioner of Police and the Commissioner of Corrective Services in order to change their names. This restriction will apply for a period of 10 years after a serious offender completes a sentence. This is designed to ensure that when terms of parole have concluded and offenders have no supervising authority they will still need the approval of the Commissioner of Police and the Commissioner of Corrective Services in order to effect a name change.

I believe that is what the community expects; it is a matter of community safety. This legislation is warranted and responds to community concerns. I have only one reservation about the bill and I will share that reservation with the House today. I have it on good authority that in a desperate bid to improve his flagging approval rating the Leader of the Opposition is considering a change of name to Barry O'Farrell. The bill will enable him to do that in order to improve his approval rating. An issue I may take up with the Attorney General is closing the one remaining loophole. I am not sure who the supervising authority of the Leader of the Opposition would be—possibly the member for Toongabbie. That may be appropriate to keep the Leader of the Opposition under control. Putting that caveat aside, I commend the bill to the House.

Mr DOMINIC PERROTTET (Castle Hill) [3.53 p.m.]: I speak in favour of the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. Amendments to the Act will provide that inmates and parolees, along with certain other groups, must not make a change of name application to the Registrar of Births, Deaths and Marriages without having first obtained the written approval of their supervising authority. Inmates and parolees are strictly monitored by Corrective Services NSW. Currently, however, they do not require any approval from Corrective Services prior to applying to the Registrar to change their names. This bill reflects recommendations that were presented by the Attorney General in a Best Practice Change of Name Paper at a meeting of the Standing Council of Law and Justice in Tasmania. I commend the Attorney General for leading the way in implementing the best practice paper recommendations.

This bill presents a proportionate approach by providing that a supervising authority can approve a change of name where it is necessary or reasonable in the circumstances. A change of name can assist in a person's rehabilitation by enabling an offender to start afresh and begin successfully reintegrating into the community as a law-abiding and productive member of society. There are of course situations where a name change application must not be approved, such as where the proposed name would be reasonably likely to be regarded as offensive by a victim of crime or an appreciable sector of the community, or where it would be used to evade or hinder the supervision of the applicant. The bill addresses that issue by continuing the change of name restrictions for released serious offenders.

Serious offenders are defined in the Crimes (Administration of Sentences) Act and are managed by the Serious Offenders Review Council when incarcerated. They include people such as murderers, and others may be deemed serious offenders by the sentencing court, the State Parole Authority and the Commissioner of Corrective Services. If serious offenders apply to the Registry of Births, Deaths and Marriages to change their names the Registrar must obtain the approval of both the Commissioner of Corrective Services and the Commissioner of Police in deciding whether to register the change of names. The commissioners may approve the application only if they are satisfied that the change of name is reasonable or necessary. The restrictions will continue for 10 years after serious offenders complete their sentences, unless they commit another offence, in which case the restrictions will be extended.

A change of name is undertaken for a variety of reasons in our society and almost always signifies something significant in an individual's life. Names are not labels that can simply be peeled off and reattached. They carry their meaning with them and they are tightly linked to the concepts they represent. It is no small

thing for a person to change his or her name, but it is right that people are able to do so to mark significant changes in their life stories. Unfortunately, this privilege can be, and has been, abused by a minority. It has been used not for the sake of privacy or to mark a new stage in a person's life but, rather, to conceal identity with antisocial and perhaps even criminal intent. The same phenomenon can be seen today in the use of the internet. The rights to free speech and privacy are upheld by the ability to remain anonymous on the internet.

Nevertheless many people—we have all experienced this—abuse this anonymity in order to deceive others, to violate other people's right to privacy, or to troll, that is, to generally make themselves a nuisance. When it comes to those convicted of serious offences it is important that the law provides authorities with the discretion to judge whether or not a name change is proposed with honest intent. That is fundamentally what this bill is about. This bill provides important safeguards to prevent name changes by former serious offenders when there are good reasons against it. I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [3.57 p.m.]: I support the Birth, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. The change of name restrictions in the bill will require restricted persons, including inmates and parolees, to obtain approval from their supervising authority prior to applying to change their names. However, the question must arise as to what happens when offenders finish their prison or parole term. Of course, in the majority of cases when offenders have done their time they are free people with the same rights and responsibilities as anyone else. A change of name can assist in rehabilitation by enabling an offender to turn over a new leaf and in so doing successfully reintegrate and become a law-abiding and productive member of society. However, there is a group of serious offenders for whom continuing the change of name restrictions is justified. It is a sad fact that, despite all the best efforts to rehabilitate them, some serious offenders simply sit out their sentence with the full intention of reoffending on their release.

In November 2011 the Attorney General presented a Best Practice Change of Name Paper at a meeting of the Standing Council on Law and Justice. The paper was developed over two years by a working group consisting of representatives of all Australian jurisdictions, CrimTrac and the Department of Immigration and Citizenship. In November, all Australian Attorneys General agreed to consider implementing the recommendations of the best practice paper. The best practice paper recommended that jurisdictions consider requiring prisoners and parolees to obtain the approval of their supervisory authority prior to changing their names. The bill implements this recommendation. New South Wales is leading the way in implementing the best practice paper recommendations, and will continue to encourage other jurisdictions to follow suit.

The purpose of the bill is to strengthen change of name restrictions in relation to inmates, parolees, periodic detainees, forensic patients, correctional patients, and people subject to a supervision order, including serious sex offenders, and former serious offenders for 10 years following the completion of their sentence. The bill provides that inmates and parolees, along with certain other groups of restricted people, must not make a change of name application to the Registrar of Births, Deaths and Marriages without having first obtained the written approval of their supervising authority. A failure to do so will be a criminal offence. Inmates and parolees are strictly monitored by Corrective Services NSW. However, at present they do not require any approval from Corrective Services prior to applying to the registrar in order to change their names. In fact, they could change their names without Corrective Services having any idea that they had done so.

This is obviously an unsatisfactory situation. A person could change his or her name in order to evade or hinder his or her supervision, with Corrective Services being none the wiser. Corrective Services would be attempting to monitor an offender in the community without even knowing his or her real name. This bill fixes that problem. Furthermore, there have been some cases in which serious criminals have attempted to adopt a new name that would be offensive to victims of crime. In such cases, the Registrar of Births, Deaths and Marriages may not be aware that the change of name application would be inappropriate, as it may not be aware of the applicant's full criminal history. However, the applicant's supervising authority would be fully apprised of the circumstances of the offence and may refuse to approve such an application.

In some circumstances, it is appropriate for a change of name by an inmate or parolee to be approved. So the bill adopts a proportionate approach by providing that a supervisory authority can approve of a change of name but only where it is necessary or reasonable in all the circumstances. The bill also prescribes circumstances in which a change of name application must not be approved, such as where the proposed name would be reasonably likely to be regarded as offensive by a victim of crime or an appreciable sector of the community, or where it would be used to evade or hinder the supervision of the applicant.

The bill also ensures that Corrective Services will notify the registrar of the identity of all inmates and parolees, and that the registrar will in turn notify Corrective Services if a change of name application by an

inmate or parolee is approved or refused. Therefore, the registrar will immediately be able to determine whether a person is an inmate or parolee and whether he or she has submitted an unauthorised application. If an unauthorised application is made, that person could then be prosecuted for making an application without obtaining the required approval.

The bill addresses a number of issues to which I have referred. Under existing law in the Child Protection (Offenders Registration) Act, change of name restrictions already apply to registrable persons under that Act even after they complete their sentence. The bill extends change of name restrictions to serious sex offenders subject to supervision orders under the Crimes (Serious Sex Offenders) Act. The Supreme Court may make such an order only if it is satisfied to a high degree of probability that an offender poses an unacceptable risk of committing a serious sex offence if he or she is not kept under supervision. In those cases the bill provides that the Commissioner of Corrective Services, as the relevant supervising authority, must first approve of the application for a change of name.

The bill will also extend change of name restrictions to other serious offenders after their prison or parole term expires. Serious offenders are defined in the Crimes (Administration of Sentences) Act. They are managed by the Serious Offenders Review Council whilst incarcerated. They include people such as murderers and people sentenced to a non-parole period of at least 12 years. The Sentencing Court, the State Parole Authority and the Commissioner of Corrective Services may also deem people to be serious offenders in appropriate circumstances. Limiting the application of these restrictions to serious offenders is a proportionate response that targets those offenders that are of the greatest concern to the community. The bill provides that if former serious offenders apply to the Registrar of Births, Deaths and Marriages to change their names the registrar must obtain the approval of both the Commissioner of Corrective Services and the Commissioner of Police in deciding whether to register the change of names.

The commissioners may approve the application only if they are satisfied that that change of name is reasonable or necessary. Furthermore, the bill provides that the commissioners may not approve of an application for a change of name in certain circumstances, including if it would be reasonably likely to be used to further an unlawful activity or purpose, or would be regarded as offensive by a victim of crime or an appreciable sector of the community. The restrictions will continue for 10 years after serious offenders complete their sentence, unless they commit another offence attracting a custodial sentence, in which case the restrictions will be extended. The bill provides that changes of names for inmates and parolees are only approved when they should be, are refused when they should not be, and that supervising authorities are kept in the loop at all times. It provides an important safeguard to prevent name changes by former serious offenders and there are good reasons for the proposed change not to occur. With my experience as—

Mr Ryan Park: A good bloke, I'd say.

Mr STEPHEN BROMHEAD: —a good bloke, as a police officer, a detective and as a legal practitioner and defence lawyer I can say that this legislation is highly commendable. One wonders why it was not introduced years ago. I congratulate the Attorney General on bringing the legislation before the House because it will certainly plug a loophole that many serious offenders have taken advantage of over many years. I commend the bill to the House.

Mr RYAN PARK (Keira) [4.07 p.m.]: Once again, in a bipartisan way, I join the Government in supporting the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. The Opposition will not be opposing this important legislation. It is a little more important than the Library Amendment Bill and a little more important than the Graffiti Legislation Amendment Bill, but the Government is slowly starting to ramp things up a bit after 12 months in office. It is starting to understand that when one is in government one has to introduce bills to change things.

In the true spirit of those opposite, who love to thank everyone—backbenchers come into the Chamber and always thank Ministers and all that sort of stuff, they lay it on thick about how great they are while at the same time sharpening the knives ready to whack them in the back—I want to thank the Attorney General's staff, who are at the back of the Chamber. They do a fabulous job. I cannot offer as much praise as the member for Camden because they do not write my speeches. To be fair, they have written about 35 or 36 speeches in the past 24 hours for Government members and they have done a very good job. I thank the Attorney General's staff. The photocopier has been going crazy. We have had a couple of double-ups.

Mr Jai Rowell: Point of order: My point of order relates to relevance. We are talking about changes to the births, deaths and marriages register, not photocopiers, staff and the other things that the member is raising. I ask you to bring the member back to the leave of the bill.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I uphold the point of order. The member for Keira has thanked the staff and he is about to return to the leave of the bill.

Mr RYAN PARK: I thank the staff of the Attorney General, as did the member for Camden. It is important to thank those in and around the Chamber who do the real work because the 35 to 36 members who have spoken on this bill cannot write their own speeches. The people who write the speeches do an incredible job.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Keira has thanked those people five times. I call him back to the leave of the bill.

Mr RYAN PARK: The restricted persons referred to in this bill include inmates, parolees, remandees, periodic detainees, a person who is subject to a supervision order, a forensic patient or correctional patient and a person of a class included by the regulation under subsection (2). Restricted persons do not include politicians. In his contribution to the agreement in principle debate, the member for Orange implied that the Leader of the Opposition would want to change his name to that of the Premier. I do not know anyone who would want to change his or her name to the name of someone who has 40,000-odd people in Macquarie Street hailing down his so-called reforms. I do not know anyone who would want to change his or her name to the name of someone who, after 12 months, despite a massive majority, has done absolutely nothing. I do not know anyone who would want to change his or her name to "Barry O'Farrell" when we know that in six or 12 months Barry O'Farrell will not be the Leader of this Government. Why would anyone want to change their name?

Mr Jai Rowell: Point of order: My point of order is relevance. Clearly the member for Keira is canvassing your earlier ruling. I ask you to draw him back to the leave of the bill.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Keira is commenting on something said by the member for Orange earlier in the debate. I am sure the member for Keira is returning to the leave of the bill.

Mr RYAN PARK: That is right. I say that a politician is not listed as a restricted person. I allowed the member for Orange to continue because he is obviously a member of The Nationals on the rise. Sources close to the Government say that he is next in line in The Nationals to take the spot of the Minister for Tourism, Major Events, Hospitality and Racing. I allowed the member for Orange that time so that he could demonstrate his ability.

Mr Dominic Perrottet: Point of order: The member for Keira has spoken for more than five minutes, yet he has not referred at any stage to any aspect of the bill. He complains about the standard of speeches delivered by members from this side but he has clearly not given any consideration to the bill.

The DEPUTY-SPEAKER (Mr Thomas George): Order! It might be helpful if the member for Keira had a copy of the bill in front of him so that he could refer to it.

Mr RYAN PARK: I have been referring to the bill. In particular, I refer to proposed section 31B, restricted persons, in schedule 1 to the bill in which there is no mention of a politician. I do not know why the member for Orange raised that matter. I have a slight concern about this bill in that proposed section 31F (5), which deals with the prison-free period of 10 consecutive years, seems to indicate that after 10 years of so-called good behaviour, despite their actions 10 years earlier, a person could get around some of the provisions in the bill. I know the Attorney General is soft on crime. I am concerned, however, that that provision in the bill does not safeguard the community against those people who, after a period of so-called good behaviour, can almost wipe the slate clean of their prior serious offences.

I am interested to hear what the Attorney General has to say in reply on that issue. I have said repeatedly that the Opposition supports this bill, but as a member of the Opposition I seek clarification of that section that concerns me, as I am entitled to do. I will continue to read legislation as opposed to being given handwritten or typed speeches from the very good staff who prepare such speeches. I will continue to raise concerns as I see fit on behalf of the community that I represent. The Opposition does not oppose this bill. It is good that the Government has 35 or 36 speakers on this legislation and that it is very slowly starting to learn that a library bill is not the most important thing to come before this House. I am delighted that after 12 months the Government is starting to bring forward the odd little bit of legislation that might actually make a difference to the community of New South Wales.

The DEPUTY-SPEAKER (Mr Thomas George): Order! For the benefit of the House, my record shows that 13 speakers have spoken to the bill so far.

Mr JAI ROWELL (Wollondilly) [4.17 p.m.]: We heard a lot of drivel from the member for Keira in relation to the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. The people of Wollondilly are very interested in getting on with the job of getting rid of graffiti and getting tough on people who commit crime, but unfortunately those opposite oppose, oppose, oppose. They say in this Chamber that they support a piece of legislation then spend 10 minutes talking drivel such as we just heard from the member for Keira. Who needs an Opposition like that? But I digress. I am privileged to speak on the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012, which will contribute to making our communities safer places in which to live and work. The bill will achieve this heightened level of safety by strengthening the existing restrictions in relation to change of name procedures, as currently stipulated in the Births, Deaths and Marriages Registration Act.

The strengthening of the regulations will mean that individuals within the justice system who fall into the category of restricted persons will have to be given formal approval by their supervising authority to apply to have their name legally changed with the Registrar of Births, Deaths and Marriages. The strengthening of these regulations is necessary in relation to a number of individuals. For example, this bill will have implications for former serious offenders for a period of 10 years after the conclusion of their sentence—an inmate, a parolee, a periodic detainee, and a person subject to a supervision order. This latter category includes those who have been convicted of serious sex offences. The approval of an application for an individual within the restricted persons category is dependent upon the relevant supervising authority's assessment that the change of name requested is necessary or reasonable.

The Registrar of Births, Deaths and Marriages will be required to refuse any application from a restricted person who has not applied for and received such approval prior to submitting an application. These requirements are legislatively supported by the consequence that failure of restricted persons to gain approval before applying for a change of name is deemed a criminal offence and subject to five penalty units. The strengthening of these restrictions with the aforementioned conditions will be for the betterment of the entire community. Residents of Wollondilly will be able to take comfort knowing that measures have been put in place by this Government to strengthen the protection of the community. It is our role in this House to ensure the creation of effective legislation that protects the people we are here to represent. I note that in the current sittings the Attorney General has introduced bill after bill, to clean up the mess left by those opposite.

The best practice change of name paper and the Legislative Council on Standing Committee on Law and Justice have acknowledged the inadequacies within the current Births, Deaths and Marriages Registration Act which does not sufficiently protect the wellbeing and interests of our communities. Subsequently, this Government aims to alter the existing legislation to ensure that our laws are in line with the best practices observed in other States. The wellbeing, safety and peace of mind of Wollondilly is important to me not only as the local member but also as a husband and father. It is within Wollondilly that my wife and I are raising our family and consequently the safety of our community is a subject that is close to my heart.

During my time working in the legal system I had the opportunity to witness the value and importance of creating strong, well thought out and fair laws. I believe the amendments in this bill demonstrate the Government's ability to create such legislation—that is, legislation that considers the needs and rights of all those whom it affects. The member for Drummoyne referred to a number of serious offences and how this legislation will address those issues to ensure that people who sneakily change their name and try to commit other offences will be caught. It is fantastic that this Government is getting on with the job and that we have an Attorney General who is serious about these issues.

This bill places a justified emphasis on the need for regulation and restrictions to secure the safety of our community. It also takes into consideration the need to evaluate and incorporate the rights of individuals who are classified as restricted persons. For that reason, if it is deemed necessary or reasonable for a restricted person to change his or her name then approval may be given. Furthermore, the bill provides individuals with the opportunity to review or appeal of certain decisions. Of course, there are circumstances in which a change of name will not be granted. Such circumstances include when the change of name requested is for the purpose of evading or obstructing the individual's supervision.

The inclusion of these conditions highlights the fact that at the heart of the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill is the need to improve the legislative measures that

uphold the safety of our communities. I am the Deputy Chair of the Committee on Law and Safety, which has been conducting an inquiry during which we have had the great pleasure of meeting the Registrar of Births, Deaths and Marriages, Mr Greg Curry, the Assistant Registrar, Debbie Leyshon, and the Manager, Amendments, Lisa Karam. They do a fantastic job every day while confronting some interesting and challenging situations. They are dedicated to providing the best possible service. I place on record my appreciation of their efforts. I commend the Attorney General for the fantastic work he does and I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [4.24 p.m.]: The Greens do not oppose the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012, but I will highlight the community concern generated by the proposition that criminals would be able to change their name willy-nilly. In fact, the opposite is true; the bill clearly provides for such name changes to be refused. The bill defines a class of restricted persons who may not change their name without obtaining the written approval of their supervising authority and provides that supervising authorities are required to notify the Registrar of Births, Deaths and Marriages of all restricted persons. The legislation includes a penalty for making an application to change a name directly to the registrar rather than to the supervisory authority. Proposed section 31B defines "restricted person" to mean inmates of correctional centres, persons on remand in correctional centres, persons who are subject to certain supervision orders made by a court but who are not in custody, persons on parole, periodic detainees, forensic patients and correctional patients.

To change the name of a former serious offender the registrar must get the written approval of the Commissioner of Corrective Services and the Commissioner of Police unless the person concerned has been out of prison without reoffending for more than 10 years. It is important to note that serious offenders comprise about 7 per cent of the New South Wales inmate population. They include prisoners who are serving a sentence for murder and/or serving a life sentence, serving a sentence with a non-parole period, or who will not be eligible for release until they have spent at least 12 years in custody, or who are deemed to require being managed as a serious offender by the sentencing court, the Parole Authority or the commissioner. We look forward to the Attorney General doing his best to reduce recidivism and to ensure we have safer communities and a smaller prison population.

The intention of the legislation is to remove circumstances in which offenders change their name while in custody and Corrective Services NSW is not aware of the change, which makes it harder to monitor those people. Such a change can be made for an improper purpose such as furthering unlawful activity. The Greens support this measure because it will forestall those improper purposes. Section 29A of the Births, Deaths and Marriages Registration Act contains a requirement to disclose any conviction for an offence. Conviction for an offence is defined broadly and includes reference to section 10 of the Crimes (Sentencing Procedure) Act 1999, but it does not include a spent conviction. It applies where the relevant offence is punishable by 12 months in prison or more if the offence is committed in New South Wales.

The current limitation under section 30 (3) allows the registrar to refuse to register a change of name if, as a result of the change, the name would become a prohibited name. A prohibited name is defined as a name that is obscene or offensive and it could not practicably be established by repute or usage because it is too long, because it consists of or includes symbols without phonetic significance or for some other reason, it includes or resembles an official title or rank, or it is contrary to the public interest for some other reason. As we have heard, this legislation prevents criminals from changing their name. It has been claimed that a convicted criminal cannot be prevented from changing his or her name as the law stands. That is not true.

A criminal can be prevented from changing his or her name because the Act allows the registrar to refuse to register a name if such a move is not in the public interest. Although The Greens support this legislation, I want to temper the debate in this Chamber and in the wider community by making it absolutely clear that the registrar can refuse to make such a change because it is contrary to the public interest or for some other reason. The legislation provides a mechanism for the Government to deny a criminal the right to make such a change. This is relevant and necessary legislation, but we should not unduly alarm the community, particularly given that those mechanisms exist but have not been used.

A number of reasons that restricted persons may apply to change their name should be recognised and considered. These include religious conversion, marriage or cultural reasons. They may be victims seeking to avoid identification by an offender, they may be seeking to make a clean break with their past, or they may have undergone a gender transition. Under proposed section 31D the supervisory authority can give approval for the change of name only if it is satisfied that the change of name "is in all the circumstances necessary or

reasonable". The Greens support this sensible and logical measure. It is likely that such a change will make it more difficult for inmates and former prisoners to change their name. That said, reasonable restrictions on name changes that might pose serious security risks or be offensive to victims of crime are entirely appropriate, and I support them.

The penalty that applies to a restricted person applying directly to the registrar is also reasonable. However, care must be taken to ensure that that does not result in penalties being applied for innocent mistakes when a person does not know of the requirement to apply directly to his or her supervising authority for a change of name. I ask the Minister to address that issue. Of course, the penalty that applies to the restricted person is reasonable, but what steps will the Government take to ensure that people know of that requirement? I support these measures. The Greens encourage civilised and measured debate in the community about these matters, and in particular with regard to the criminal justice system. I congratulate the Attorney General on his generally positive approach to crime, and law and order. We look forward to working with the Government to ensure we have safer, more vibrant and more positive communities.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [4.31 p.m.]: I congratulate the member for Balmain on giving a considered response to this bill without the assistance of the Attorney General's staff, who apparently are writing all of our responses. It was a better contribution than that of the member for Keira. I do owe the member for Keira an apology. While we were showing Dr Harry Cooper around the House yesterday, we described the member for Keira's characteristics and he wanted to meet him but we could not track him down, so I can only imagine he was out chasing a car. I will make a brief contribution to the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. The requirement for restricted persons—including inmates and parolees—to obtain the approval from their supervisory authority prior to applying to change their name is common sense.

I believe that when a person has served the sentence for his or her crime, that person should be free to live, as best as he or she can, upstanding lives in our community with the same rights, responsibilities and opportunities as everybody else. I appreciate that a change of name can assist in the rehabilitation of an offender in enabling that person to start a new life, free from the encumbrances a prior mistake can have on that person's life. Some mistakes can follow a person for years and can inhibit that person from becoming the productive member of society that we would wish that person to be. But there are always exceptions to the rule and serious offenders, by the very nature of the original crime, should not be able to change their identity at whim. The bill extends change of name restrictions to serious sex offenders, subject to supervision orders under the Crimes (Serious Sex Offenders) Act 2006.

The Supreme Court may make such an order only if it is satisfied, to a high degree of probability, that an offender poses an unacceptable risk of committing a serious sex offence if he or she is not kept under supervision. In those cases the bill provides that the Commissioner of Corrective Services, as the relevant supervising authority, must first approve of the application for a change of name. This is nothing short of the level of protection that our community expects. The bill will also extend change of name restrictions to other serious offenders after their prison or parole term expires. Serious offenders are defined in the Crimes (Administration of Sentences) Act 1999. Whilst incarcerated, they are managed by the Serious Offenders Review Council. They include people such as murderers and those sentenced to a non-parole period of at least 12 years. In appropriate circumstances, the Sentencing Court, the Parole Authority and the Commissioner of Corrective Services may also deem people to be serious offenders.

The bill provides that if a former serious offender applies to the Registry of Births, Deaths and Marriages to change his or her name, the registrar must obtain the approval of both the Commissioner of Corrective Services and the Commissioner of Police in deciding whether to register the change of name. The commissioners may only approve the application if they are satisfied that the change of name is reasonable or necessary. Furthermore, the bill provides that the commissioners may not approve of an application for a change of name in certain circumstances, including if it would be reasonably likely to be used to further an unlawful activity or purpose, or would be regarded as offensive by a victim of crime or an appreciable sector of the community. I congratulate the Attorney General on bringing the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012 before the House and I commend the bill to the House.

Mr DAVID ELLIOTT (Baulkham Hills) [4.33 p.m.]: I will make a modest contribution to debate on the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012. I note that changing a name is an important thing. Changing a name is something that can be done by a business to rebrand itself and it can be done by an individual to start afresh, but unfortunately it does not always work: in recent years the

Australian Labor Party in regional New South Wales tried to change its name to Country Labor and it failed miserably. When we are debating this legislation we should remember that the Labor Party in regional New South Wales tried to change its name to Country Labor and lost every seat, bar one, at the last election. We must remind ourselves that changing names is something that people should take seriously because it does not always have the desired effect, which is just what happened in regional New South Wales at the last State election.

The Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012 is important legislation in the State's fight against crime because a group of serious offenders out there continually change their name and for ulterior motives. But, of course, there are people who should change their name in a way that the majority of members of our community would see as being justified. This legislation has been introduced by the New South Wales Coalition Government without fear or favour; it complements nicely our fight against crime and it complements nicely the policies that we took to the people of New South Wales to ensure that law and order is maintained in this State and that those who breach our laws do not get away with it lightly. Indeed, I am reminded of some of the conversations I had in preparing my inaugural speech, particularly some I had with the Attorney General, who said that crime in the twenty-first century is something that is very complicated when you consider the criminal mind in the previous century.

We believe that New South Wales has best practice in law and order, and in preparing this legislation the best practice paper recommended that: "Jurisdictions consider requiring prisoners and parolees to obtain the approval of their supervisory authority prior to changing their name". The bill implements this recommendation and I am reliably informed by the Attorney General's department that New South Wales is leading the way in implementing the recommendations of the best practice paper. When looking at this legislation, the first thing that came to my mind was an unmarried woman who marries after she has committed a criminal offence. How would she respond to this legislation? But the Attorney General has thought about that and we have—as we do with all aspects of the law under the Coalition Government—a reasonable approach to the implementation of our laws through the judicial system.

Mr Anthony Roberts: The Attorney General is a wise man.

Mr DAVID ELLIOTT: As the Minister for Fair Trading quite rightly says, the Attorney General is indeed a wise man. Inmates and parolees are strictly monitored by Corrective Services in New South Wales. Indeed, the service knows full well where the member for Maroubra is right now. Currently inmates and parolees are not required to seek any approval from Corrective Services prior to applying to the registrar to change their names. That is a concern when one considers the potential implications, particularly when identity theft is becoming more prominent. The member for Wollondilly stated that the current situation affects the confidence of New South Wales communities in the implementation of our laws. That is unsatisfactory. I hasten to add I understand that the former Government considered this to be unsatisfactory, but unfortunately it did not have time between leadership changes to amend the legislation.

The Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012 is about protecting the community from individuals who attempt to hide their true identity behind an adopted name. The community has been concerned about such individuals and this bill is an appropriate response to those concerns. In response to matters raised by the member for Keira, this bill is all about serious offenders. It will prevent former serious offenders from changing their name within 10 years of committing a serious offence. That prevention will continue without the approval of relevant authorities—namely, the Commissioner of Police and the Commissioner of Corrective Services. The bill also prevents inmates and parolees from making an application to change their names without the approval of their supervising authority.

Members on this side of the House acknowledge that, in most circumstances, those who have served their time in incarceration should be able to start afresh. As I mentioned earlier, the mere motive to change one's name is an indication that someone wants to start afresh. For instance, the Labor Party in regional New South Wales tried to start afresh when it changed its name to Country Labor. Unfortunately, the word "Australian" should not have been replaced with the word "Country" and the word "Labor" should have been replaced with a more appropriate word. Parolees should be able to start afresh and reintegrate into the community.

Under this legislation genuine attempts at rehabilitation will not be prevented and—like most democratic approaches to law in the Western world—there will be an appeal authority. However, it is only appropriate that certain individuals be prevented from making these changes without their status as a former serious offender being considered. I have mentioned the importance of the protection of the community from

identity theft—an offence that is escalating in society. A consequence of this bill will be that those at risk of continuing to commit serious offences will be restricted from changing their name. The bill also will reduce the risk of those people being involved in identity theft. I commend the bill to the House.

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

REAL PROPERTY AMENDMENT (PUBLIC LANDS) BILL 2012

Agreement in Principle

Mr MIKE BAIRD (Manly—Treasurer) [4.42 p.m.]: I move:

That this bill be now agreed to in principle.

The Real Property Amendment (Public Lands) Bill 2012 was introduced in the other place on 16 February 2012. As the agreement in principle speech is in the same form as the second reading speech in the other place, I refer to pages 54 to 55 of the *Hansard* proof for that day. I commend the bill to the House.

Mr MICHAEL DALEY (Maroubra) [4.42 p.m.]: I make a brief contribution to debate on the Real Property Amendment (Public Lands) Bill 2012. This is an inordinately uncontroversial, meritorious bill. On my count, there are only 53 operative words in it. The Library Amendment Bill 2011 had only about 10 more words in it. That did not stop Government members from talking non-stop for 67 days on that bill, but we will not have a repeat of that sort of conduct today. I recall learning about the Torrens title system when I was a law student. At that time the Torrens title system was uniquely Australian, one of the great inventions of this nation. One of the very worthy undertakings begun by the previous Government was a conversion of all land in New South Wales to the Torrens title system. This bill is the next step in that undertaking.

The object of the bill is to enable Crown land reserved under the National Parks and Wildlife Act 1974 or dedicated under the Forestry Act 1916 to be brought under the provisions of the Real Property Act 1990, referred to as the principal Act—that is, converted to Torrens title. As I have said, it is part of a wider project to convert all Old System and Crown title land to Torrens title. Importantly, the conversion of such Crown land to Torrens title will not affect its status as Crown land or the reservations, dedications and other restrictions to which it is subject. The bill was begun under the former Government and is a sensible approach. I congratulate the Registrar General on continuing his work and I commend the bill to the House.

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [4.45 p.m.]: I make a brief contribution to the debate on the Real Property Amendment (Public Lands) Bill 2012. The amendment to the Real Property Act 1900 seeks to include State forests and national parks amongst the categories of Crown land that can be converted to Torrens title under the simplified process of part 3 of the Act. This small amendment will facilitate the conversion of public land to Torrens title and bring many benefits. Converting State forest and national park land to Torrens title will provide unique identifiers for parcels of land with linkages to the digitised cadastral maps of the State.

The Real Property Act governs the Torrens system of title registration in New South Wales. Anyone who owns land under the Torrens system enjoys the benefits of one of the most robust and reliable land title systems in the world. The register is a public register that records current title ownership and other interests affecting land. This database is a most valuable resource for the State. Its benefits will be extended to State forest and national park land, which will improve the management of the assets under their control. For example, when linked to the Torrens register the digital cadastral database will provide a great deal of information on each parcel of land that can be aggregated and easily searched. However, land that is not under title requires a manual search process, which is both costly and time consuming.

The Torrens system of land registration was introduced into New South Wales in 1863. Land not under the Torrens system is held either under the Old System or Crown title and requires more expertise to conduct manual searches. Crown title is the term given to Crown land that is not under the provisions of the Real Property Act 1990 and for which no title has been issued. Since 2004 the Land and Property Information Division of the Department of Finance and Services has been identifying and converting the remaining parcels of Old System land to Torrens title. More than 30,000 folios of Old System land have been converted to the

Torrens registration system under this initiative. Since 2007, more than 62,000 Crown land parcels in the eastern and central divisions of the State have been converted to Torrens title. However, this does not alter the status of the land which remains Crown land under the provisions of the Crown Lands Act 1989.

Currently, State forest and national parks land is held under a mix of the Torrens, Old System and Crown titles. Its conversion to Torrens title in future will be enabled by this legislation, which will add the Forestry Act 1916 and the National Parks and Wildlife Act 1974 to schedule 2 of the Real Property Act 1900. This defines land to which part 3 of the Real Property Act applies. Part 3 enables certain Crown land to be brought under the provisions of the Act. The conversion of State forest and national park land to the Torrens system does not affect the process by which such land might be sold. The land can be dealt with only under the Forestry Act or the National Parks and Wildlife Act, irrespective of whether or not the land is held under Torrens title, Old System or Crown title.

The National Parks and Wildlife Act does not allow land reserved as national park to be sold. Before any sale could take place the reservation would have to be revoked by an Act of Parliament. Whilst the Forestry Act gives the Minister more flexibility to sell land if necessary for the management of State forest, this can be done only in accordance with strict compliance with the provisions of that Act. Similarly, conversion to Torrens title will have no impact on claims by an Aboriginal land council under the Aboriginal Land Rights Act 1983. Forests NSW will benefit from investor confidence in investment opportunities such as carbon trading, and biodiversity banking is likely to be enhanced by the ability of investors to record their interest in a scheme on a registered title. Similarly, it will be easier for the Office of Environment and Heritage to attract investment in the provision of visitor services and tourist facilities within national parks. The benefits and safeguards I have outlined will assure members that the impacts of the bill are positive. I commend the bill to the House.

Mr RICHARD TORBAY (Northern Tablelands) [4.49 p.m.]: I speak in support of the Real Property Amendment (Public Lands) Bill 2012 and I commend the Minister for Finance and Services in the other place for its introduction. Existing information handling and record keeping of land title data, comprising Crown title, Torrens title and titles held under the old system, have proved unwieldy and costly to manage. Efforts to prove ownership of land under the old system, effectively a deeds-based system, are exhausting as they require extensive searching. Record searching for Crown title land—land owned by the State for which no title has been issued—is similarly problematic, as titles to Crown land and the old title system have been maintained manually.

The traditional forms of maintaining Crown land and Old System titles have resulted in costly, time-consuming and potentially ineffective searches. They are not held in a manageable computerised database, which would ensure a higher degree of reliability and reduced time spent on searching. In the past, efforts have been made, via the introduction of the 1981 Act inclusion, to maintain the Torrens land title data effectively by enabling the Torrens register to be a complete register of all land in the State, including Crown lands. This approach to managing the Torrens information has resulted in guaranteed accuracy and reliability.

The proposed conversion of land title data comprising Crown title, Torrens title and titles held under the Old System is a welcomed administrative move that will improve the State's land management system. This legislation was strongly endorsed by my constituents when I sought comment on it. They indicated it will allow precise identification of national park and forestry land by title reference—something that up to this point has not been possible. It will make dealing with these lands much simpler. A concern expressed in the feedback I have received from my community is that freehold Torrens title is guaranteed by the State to be reliable in terms of dimensions and area, together with the indefeasibility of unique ownership.

This guarantee generally can be provided by the State, as there is an accurate plan of survey to anchor this guarantee registered in the Land Titles Office. Many forest and national park holdings are not based on accurate or reliable plans of survey and therefore will potentially jeopardise the integrity of the cadastre when included in the State's real property register. This dilution of reliability of the cadastre has been an ongoing concern in relation to the many road closure plans being compiled and registered by the Lands Department over the last couple of years. The Torrens title system has always relied on high standards of survey to define the titles of the State's cadastre, removing any future expensive ambiguity of boundary issues and allowing for a digital cadastre to evolve which becomes a valuable land management and identification tool. With that suggestion, I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [4.53 p.m.]: I speak in support of the Real Property Amendment (Public Lands) Bill 2012, which seeks to amend the Real Property Act 1900. The Torrens system in

New South Wales began in 1863 and was formulated to combat the problems of uncertainty, complexity and cost associated with the Old System title, which depended on proof of an unbroken chain of title back to a good root of title. The basis of the Torrens system is certainty of title by having a person's interest in land recorded in the Torrens register and a guarantee by the State that the title to the land is correct. That is called an indefeasible title. Having done the odd conveyance in my more than 20 years in practice as a lawyer, I know how difficult it is to obtain proof of an unbroken chain of title. When a link in the chain is missing, sometimes one has to climb over mountains or broken glass to find a way to convince the Land Titles Office that it was a good title.

I know from experience that the Torrens system is renowned as being a world-class system. Over the years people from other countries have come to New South Wales and other States to examine our system so that they can adopt the same system in their country. Today in New South Wales only a small fraction of land is not under Torrens title. National parks and State forests make up the majority of the remaining land not under the Torrens system. The need to convert these lands to the Torrens system will assist in allowing the people of New South Wales to enjoy a totally integrated land information system that provides accurate and comprehensive land data in a variety of forms. This information can be accessed online by anyone, whether they are in business or government or a member of the public. It is in the State's interest to have all land under one title system.

The Real Property Amendment (Public Lands) Bill 2012 is necessary to allow the Land and Property Information Division, which is responsible for the administration of land titles in New South Wales, to facilitate the conversion of all remaining Crown lands to Torrens title. Those remaining Crown lands are national parks and State forests. Under the Real Property Act, Land and Property Information [LPI] can, on its own motion, convert land held under Old System title or Crown title to Torrens title. The Crown lands that may be converted are those lands under the Crown Lands Act 1989 or in the Acts listed in schedule 2. Although 13 Acts are listed in schedule 2 of the Real Property Act, none of them govern Crown lands of national park or State forest. Therefore, Land and Property Information cannot convert these Crown lands to Torrens title unless a change to the Real Property Act is made. The bill proposes to amend schedule 2 of the Real Property Act by adding the National Parks and Wildlife Act 1974 and the Forestry Act 1916. The Hon. Greg Pearce, in giving his second reading speech in the other place, stated:

In 2007 Land and Property Information, under instructions from the Registrar General, undertook a large-scale project aimed at converting all remaining Crown title to the Torrens system. As a result of this conversion project, the Registrar General has issued Torrens titles to over 60,000 parcels of Crown land. Land and Property Information has now turned its attention to the conversion of State forest and national park land as a future phase of the project. However, in order for the conversion process to proceed, an amendment to the Real Property Act is required.

The conversion project is welcomed by the agencies that look after State forests and national parks, that is, the Department of Primary Industries through Forests NSW and the Office of Environment and Heritage respectively. It will make searching and dealing with these lands quicker, cheaper and easier for both agencies. As many of the titles to national park and State forest lands are bound up in the Old System title or Crown title, the conversion project will eliminate the need to maintain multiple title systems and promote better asset management by dispensing with outmoded paper-based systems and moving towards a fully automated electronic database. Once the land to a parcel of national park or State forest land is converted to the Torrens system, a certificate of title to the land is issued in the name of the State of New South Wales.

All interests that may affect the land, including any provisions of the National Parks and Wildlife Act or Forestry Act that may apply, are also noted on the certificate of title. Most parcels of land that are converted will also have a notation on the certificate of title to indicate that the land to which the certificate relates is State forest or national park and is subject to the provisions of the relevant legislation. This bill does not change the status of national parks or State forest land; it merely allows the title to the land to be brought over into the Torrens system. The bill does not remove any provisions from the National Parks and Wildlife Act and Forestry Act; these lands can only be dealt with under their respective legislation. The bill seeks to expand the category of land that can be brought under the Torrens system, which in turn will assist in the goal of having one electronic title-based system for the whole of the State. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [5.00 p.m.]: The object of the Real Property Amendment (Public Lands) Bill 2012 is to enable Crown land that is reserved under the National Parks and Wildlife Act 1974 or dedicated under the Forestry Act 1916 to be brought under the provisions of the principal Act—the Real Property Act 1900—that is, converted to Torrens title. This is part of a wider project to convert all Old System and Crown title land to Torrens title. Part 3 of the principal Act allows Crown land that is capable of being

disposed of or dealt with under specified Acts to be brought under the provisions of the principal Act. The conversion of such Crown land to Torrens title will not affect its status as Crown land or the reservations, dedications and other restrictions to which it is subject.

The people of New South Wales are the beneficiaries of one of the most reliable land ownership systems in the world. The Real Property Act governs the Torrens system of title registration in New South Wales, providing certainty of title to landowners in our great State. The Torrens register is a public register that records current title ownership and other interests affecting land. Formerly administered by the Land and Property Information section in the old Department of Lands and then the Land and Property Management Authority, which was situated down the road at Queen's Square, this land now sits under the purview of the Minister for Finance and Services. The Opposition does not oppose this bill. It is yet another bill that has bipartisan support. As I said, this bill works towards the end goal of achieving the conversion of all land in New South Wales to Torrens title.

It was the former State Labor Government, under strong leadership, that commenced the process of converting property title to Torrens title. This was done by the Registrar General issuing a directive to the Land and Property Information division for all remaining Crown land to be converted to Torrens title. The Act authorises the Registrar General to convert Crown lands under the Crown Lands Act 1989 to Torrens title, not national parks or State forests. The amendments in this bill take a positive step in the overall conversion of lands to the Torrens register by now allowing land under the National Parks and Wildlife Act 1974 and the Forestry Act 1916 to be able to be converted by the Registrar General. My understanding is that this bill will not in any way impact on any claims by local land councils under the Aboriginal Land Rights Act 1983 or on other land that is administered in a similar fashion.

An efficient, robust and reliable Torrens system is important for the New South Wales economy. Indeed, reliability in our land title system underpins many of this State's larger financial deals and transactions. That is why State Labor commenced this process of conversion to Torrens title in 2007, and that is why we will not oppose this bill. The land title system is not only for big commercial firms and companies. Generally speaking, a robust Torrens system will protect private landowners and give them certainty of title. In this day and age with housing and land affordability becoming an increasingly large challenge, a reliable and strong Torrens title system is a must for New South Wales.

Mr JAI ROWELL (Wollondilly) [5.03 p.m.]: The Real Property Amendment (Public Lands) Bill 2012 makes amendments that will directly affect Wollondilly and the beautiful Dharawal National Park. This bill seeks to correct a legislative technicality that prevents land declared as State forest and land reserved as national park to be dealt with under the provisions of the Crown Land Act 1989. The need for this amendment came as a result of the conversion project whereby records have been converted to modern record-keeping practices. To date, over 60,000 parcels of land have been successfully converted. The next phase of this conversion project is to include State forests and national parks. Before this next stage can take place, however, doubt was cast over the legalities of this action under the current Act. Legal advice was sought from the Registrar General and a determination was made.

To eliminate any doubt, the National Parks and Wildlife Act and the Forestry Act are to be included in schedule 2 of the Act, which will provide a clear legislative basis to enable the inclusion of these conservation lands in the current conversion project. The conversion of these titles comes about due to the need for accurate and timely reference of land titles in New South Wales. Currently, the Old System and Crown title are not computerised. Because of this, accessing this information is a slow process and accuracy of ownership is more difficult than modern filing systems. Furthermore, it is also a costly method to store and collate these files in the manner necessary for such information.

Currently, the accuracy and reliability of the information on the Torrens title land in the Torrens register is guaranteed by the State. It is important that the records of ownership pertaining to parcels of land in our State are kept securely, accurately and accessible. That is why this bill is important. We are modernising the State, reinvigorating it and ensuring that State significant information is kept in an accurate fashion. The Government believes that our State assets and the assets of residents of this State ought to be of high importance. It is important to note that the inclusion of Torrens title for national parks and State forests will not affect the status of Crown land. It also will not impact on Aboriginal rights. Furthermore, it will not enable the land to be sold off or affect the manner in which it can be dealt with. All this process does is to ensure that search options will be more accurate and timely and to assist with better management under the Registrar General.

The amendments I have spoken on today are pertinent to Wollondilly as it is home to the about-to-be-proclaimed Dharawal National Park. This parcel of land, while extensive in size, holds particular importance to our community. It is the lungs of the adjoining city of Campbelltown, acting as a haven for native flora and fauna. It provides space for local bushwalking enthusiasts, such as the members of the Macarthur Bushwalking Association. It is also where some of the most beautiful streams, caverns and rock formations can be found. More than this, it is culturally significant to the Dharawal people, who are the traditional owners of lands in Wollondilly and the surrounding towns and suburbs. I meet regularly with elders and they have voiced their appreciation for the Government's commitment to Dharawal. I also meet regularly with members from Rivers SOS who have commended the Government for this decision.

I have personally walked the Dharawal a number of times with our Premier and Minister Parker, together with the member for Heathcote, the member for Oatley and the member for Campbelltown. The editor of our local newspaper the *Macarthur Advertiser*, Jeff McGill, is also a keen advocate for the Dharawal, and I am sure that he understands the importance of this bill, just as the Government does. Jeff has been a passionate advocate for numerous local issues over the years in his capacity as editor, but few issues are as close to his heart as this one. The bill is another sign that the Government is getting on with the job. I can only guess how issues such as the amendment we are discussing today were not corrected by members opposite; after all, they had 16 years to do it. I thank the Minister for recognising that this amendment was needed and I commend the positive flow-on effects it will have on titles in my electorate. I commend the Minister for this bill, and I commend the bill to the House.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [5.07 p.m.]: The Real Property Amendment (Public Lands) Bill 2011 is part of a wider project to convert all Old System and Crown land title to Torrens title. The object of the bill is to enable Crown land that is reserved under the National Parks and Wildlife Act 1974 or dedicated under the Forestry Act 1916 to be brought under the provisions of the Real Property Act 1900. The Torrens title system was introduced into New South Wales in 1863 with the Real Property Act. Since that time, all granted land has been subject to the Torrens system. Prior to the introduction of the Real Property Act, land was subject to the inherited English common law title system, which we refer to as the Old System title, or subject to a Crown grant. Lands dedicated as reserved Crown land under the National Parks and Wildlife Act 1974 or dedicated under the Forestry Act 1916 are subject to such a system.

There are obvious benefits to the State as a whole in having one form of title for all land recorded on a computer database. Because the Torrens system is superior to other titling systems or Crown title, it is in the public interest that all land in New South Wales be held under the Torrens system. Under the Torrens system, every subdivision of land acquires a deposited plan [DP] number. These are issued in order of date of registration of the plan. Every deposited plan is made up of one or more lots. A dual occupancy subdivision, for example, of lot 23 in a deposited plan usually would be described as lots 231 and 232 in a new deposited plan.

Following on from the previous example, if a dual occupancy were to get a strata title the units would be described as lots 1 and 2 in a strata plan, or SP. I can make a few interesting observations from real life about strata plans. It has been known for a dual occupancy developer to sell the completed units 1 and 2 off the plan. Contracts are issued and all goes well until the surveyor transposes the two units on his linen plan so that Mr and Mrs Smith who signed up for the left-hand unit may settle on the right-hand unit and vice versa for the other purchaser. Members need not laugh; I have seen it happen and it does get confusing. Another interesting gem is that in strata plans the lots must be numbered consecutively, starting from lot 1. I understand that in Chinese culture the number four is the equivalent to the way we feel about number 13, so some developers of four or more lots will go to extraordinary lengths to avoid creating a lot 4.

I am advised that one developer of a five-lot strata development put in an alteration of the lot 4 and lot 5 boundary and then applied for another strata plan with lots numbered 1, 2, 3, 6 and 7. It may be the subject of future legislation in this place. This legislation will bring Crown land that is reserved under the National Parks and Wildlife Act 1974 or dedicated under the Forestry Act 1916 into line with all other New South Wales property descriptions. This will also improve the accuracy and increase the depth of the Government Property Register, which is maintained by Land and Property Information. This bill is not a clandestine attempt to dispose of Crown lands; it is simple logic—a logic that was absent in New South Wales under 16 long years of Labor rule. I commend the bill to the House.

Mr ANDREW CORNWELL (Charlestown) [5.11 p.m.]: I support the Real Property Amendment (Public Lands) Bill 2012. It is particularly relevant to my electorate as one of the natural jewels in my electorate is the Glenrock State Recreation Area, which I believe Assistant-Speaker Mr Andrew Fraser is well aware of,

having grown up in that area. The Glenrock State Recreation Area is a gem in the Newcastle region because it is a wonderful piece of native vegetation, forest and pristine coastline surrounded by what is predominantly a heavily built-up area. The lower parts of it were once part of old coal holdings. I believe the Australian Agricultural Company held the lease there. The upper part of it was predominantly owned by the Bailey family and that area is known as the Bailey Estate. This legislation will enable the titles there to be sorted out once and for all because some confusion has been created over the years.

Perhaps the House will indulge me for a couple of minutes so that I can tell members how wonderful the Glenrock State Recreation Area is. There are two major beaches facing south-east with major escarpments and cliffs on either end. There are old Permian coal reserves, which are part of the Newcastle coal basin, overlaid with conglomerate. As a result of this unstable cliff formation we have ended up with these incredibly dramatic landscapes along the coastal shoreline. Despite the fact that the area has been heavily mined over the years the native vegetation has come back well and there are now areas of dry sclerophyll forest and littoral rainforest. It has become a great habitat for flora and fauna. As the member for Keira rightly pointed out, the cycling program implemented by the State Government has opened up some of the State recreation area for cyclists, which is a very positive step. It is a jewel in the electorate and an area that will benefit from this legislation.

There are a few other elements of the bill that need to be sorted out. We may get the odd scaremonger querying whether this legislation will allow national parks to be sold. The fact is it will not. The proposal in the bill, which allows national park land and State forest land to be brought under the provisions of the Real Property Act, will not in itself make it possible to sell national park or State forest land. Questions may also arise about Aboriginal native title rights. The bill will not affect them. This is an entirely different amendment that basically clears up titling issues. It covers approximately 30,000 parcels of land across New South Wales.

The question may be asked as to why the legislation is needed now. Land Property Information began in 2007 the process of converting old title to Torrens title and it has been working so efficiently that suddenly it is up to the national parks and State forests. Enabling legislation will be needed fairly urgently to keep track of the great work that our hardworking public servants in the Land Titles Office are doing. I thank members for their indulgence in allowing me to inform them about the wonderful Glenrock State Recreation Area which will benefit from this legislation. I commend the bill to the House.

Mr KEVIN CONOLLY (Riverstone) [5.14 p.m.]: I support the Real Property Amendment (Public Lands) Bill 2012 which is designed to create clarity for the land titling system. As the Minister for Finance and Services said when introducing this bill in the other place, there is an immense amount of investment across the State that is underpinned by the certainty of the land titles system. So much of our economic activity relies on having that certainty. The Torrens title system has been providing that certainty and the further it is rolled out across all the land titles in New South Wales and the more certain, more stable and more predictable the land titles system is, the better for economic activity.

The bill enables Crown land that is governed by the National Parks and Wildlife Act 1974 or the Forestry Act 1916 to be converted to Torrens title, by bringing these lands under the governance of the Real Property Act 1900. This will be achieved by inserting the National Parks and Wildlife Act and the Forestry Act into schedule 2 to the Real Property Act 1900. These amendments are part of a broader project to convert old system and Crown title land to Torrens title, which will give these properties a Torrens title reference and incorporate them into the computerised titling system. The benefits of the Torrens title system are significant and are the driving force behind the need to continue with the job of converting all land in New South Wales to Torrens title.

The Torrens title system provides certainty of title as a result of the principle of indefeasibility, which protects an owner who has an interest in land recorded in the register. That means we do not have to proceed down lengthy and difficult paths of disputation to resolve anomalies in land titles. There is a clear, single point of reference that provides certainty for everyone. It is important to have public lands in the computerised system as it ensures a more efficient method for government departments in managing and assessing the value of their land assets. As we move into a world of modern digital technology and the ability to record spatial information in new and creative ways, the opportunity to build a cadastral database across the State incorporating these public lands as well as privately owned lands and Crown land previously moved over to the new system will provide an immense benefit.

At a fingertip touch on the computer screen it will be possible to find out details of land all over the State. That is the goal we are working towards and that this amendment bill will assist in achieving. The bill also

ensures greater transparency as members of the public will be able to research any properties in question and confirm government ownership. While the enormous project of converting Crown title land to Torrens title has been taking place for some years, with over 60,000 parcels of Crown land already converted since 2007, a number of categories of Crown land were previously excluded. These categories included national parks and State forests, jetties, enclosure permits, Crown roads and waterways.

It is particularly important that these lands are converted as some landholdings of Forests NSW are a mix of Torrens title, Old System and Crown title, adding complexity and uncertainty to the management of the land. This legislation allows the work by Land and Property Information to continue and for State forests and national parks to now be converted to Torrens title. As has been pointed out, this is a positive development. There is no ground to be concerned for the future of national parks—there is no threat to community ownership of national parks; it is no open door to alienating them—and there is no threat to the Aboriginal land title system because land claims will still be possible in exactly the same way as at present. The change in the titling system will not affect the capacity to lodge claims. I commend the bill to the House.

Mr RICHARD AMERY (Mount Druitt) [5.20 p.m.]: The Opposition supports the Real Property Amendment (Public Lands) Bill 2012. I note the comments made earlier about the brevity of the bill. However, a lot of things can be done with a few words. The overview of the bill states:

The object of this Bill is to enable Crown land that is reserved under the *National Parks and Wildlife Act 1974* or dedicated under the *Forestry Act 1916* to be brought under the provisions of the *Real Property Act 1901* (the **Principal Act**) (that is, converted to Torrens title). This is part of a wider project to convert all old system and Crown title land to Torrens title.

I do not believe there is a problem with that aspect of the bill. As a former Minister with responsibility for lands I place on record the excellent work being done at the Land Titles Office and its ongoing project to convert Old System title to Torrens title which, as Opposition members have previously said, is a crowning success of Australia's land system. The New South Wales system has been adopted in many parts of the world, in particular, in communist countries that have converted to freehold land. They have sought our advice in many areas. On the face of it the transfer of national parks and Crown lands to Torrens title does not seem to be a problem and therefore it is supported by the Opposition. The next paragraph of the overview of the bill states:

Part 3 of the Principal Act allows Crown land that is capable of being disposed of or dealt with under specified Acts to be brought under the provisions of the Principal Act. The conversion of such Crown land to Torrens title will not affect its status as Crown land or the reservations, dedications and other restrictions to which it is subject.

Bringing this Crown land under the Torrens system will result in a number of new legal systems being applied to land throughout the State. I am not a lawyer qualified in land transfers so perhaps the Minister will provide a response when he replies to debate on this bill. Some years ago we were confronted by an issue on the Murray River which involved the Corowa Common. The common, which was established a century ago, was well supported by the local community. I am not aware of its current status. The then Government moved to revoke the common and to sell it to a golf club, which resulted in a disallowance motion being moved in both Houses of Parliament. I moved the disallowance motion in this Chamber which was defeated along party lines but a parallel debate in the Legislative Council resulted in the disallowance of the sale of that common; its sale was stopped by an act of this Parliament.

When land is transferred to the Torrens system, will it weaken the role of the Parliament to stop the disposal of Crown land such as the Corowa Common or any other land sold in New South Wales that is covered by other pieces of legislation? This legislation refers also to national parks, forests and forestry plantations and Crown lands along our beautiful coastline, all of which are protected by statute. The sale of that land is required to be tested and perhaps blocked by either House of Parliament by way of a disallowance motion. I am encouraged by the second sentence in that part of the overview of the bill, which states:

The conversion of such Crown land to Torrens title will not affect its status as Crown land or the reservations, dedications and other restrictions to which it is subject.

I hope that means that the sale of Crown lands, whether they are national parks, forests or forestry plantations, as highlighted, the Corowa Common or any other common, the foreshores of our coastline or any other land, can still be disallowed by moving a motion in this Parliament, and that the changes in this legislation will not in any way affect protected land that is transferred under the Torrens system. I ask the Minister or the Parliamentary Secretary to provide me with advice relating to that matter. I believe that this legislation will tidy up the conversion of all Old System and Crown title land to Torrens title, which has been going on for years. The work being done by the Land Titles Office is impressive not only to observers in New South Wales and Australia but

also to people around the world. I would like a reassurance from the Minister that the protection of our Crown lands will not in any way be weakened by this bill. The Opposition supports the bill but would like those protections to remain in place.

Mr MARK SPEAKMAN (Cronulla) [5.25 p.m.]: I support the Real Property Amendment (Public Lands) Bill 2012 which will amend the Real Property Act 1900. That Act governs the Torrens system of title registration in New South Wales and establishes the Torrens register. It is a public register recording current title ownership and other interests affecting land. Most land in New South Wales is held under the Torrens system. Its object is to provide certainty of title. The bill aims to convert all land in New South Wales to Torrens title. The Torrens system is based on the principle of indefeasibility of title which means that, subject to a few exceptions, a registered interest cannot be defeated by another unregistered interest, nor can registration of the interest be set aside because of some defect in the history of the title prior to registration.

The accuracy and completeness of entries in the register is guaranteed by the State Government. The benefits provided by the Torrens system over other title systems or Crown title mean that there is a public interest in all land in New South Wales being held under the Torrens system. The Registrar General is undertaking conversion projects to achieve this outcome. Since 1981 the Registrar General has had the power to bring Crown lands under the provision of the Real Property Act. In 2007 Land and Property Information, under instructions from the Registrar General, undertook a large-scale project aimed at converting all remaining Crown title to the Torrens system. As a result, the Registrar General issued Torrens title to more than 60,000 parcels of Crown land. But for the conversion process to proceed with State forests and national parklands there is a need to amend the Real Property Act.

The Real Property Act authorises the Registrar General to convert only Crown lands under the Crown Lands Act 1989 or Crown land under the Acts listed in schedule 2 to the Real Property Act. Lands dedicated as State forest and lands that have been reserved as national parks are Crown land, but they are not land that can be dealt with under the Crown Lands Act. Neither the Forestry Act 1916 nor the National Parks and Wildlife Act 1974 is listed under schedule 2 to the Real Property Act. The Real Property Amendment (Public Lands) Bill 2012 extends land to which part 3 of the Real Property Act applies by adding the Forestry Act 1916 and the National Parks and Wildlife Act 1974 to schedule 2 of the Real Property Act. The Crown land conversion project not only will provide greater certainty of title but also will allow easy searching of the digital cadastral database. That database provides detailed mapping information for land within New South Wales.

When the digital cadastral database is linked with information from the Torrens register a large amount of information relating to each parcel of land can be aggregated and easily searched. Also, there are benefits to the State as a whole in having one form of title for all land recorded on a computerised database linking spatial information with the title details. The conversion of title will not affect claims by an Aboriginal Land Council under the Aboriginal Lands Act 1983. Generally speaking, that Act allows an Aboriginal Land Council to make a claim for so-called claimable Crown land. Claimable Crown land is vacant Crown land not required for an essential purpose or for residential land. Whether Crown land is held under Crown title or Torrens title will have no impact on whether the land is claimable Crown land within the meaning of the Aboriginal Land Rights Act. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [5.30 p.m.]: I support the Real Property Amendment (Public Lands) Bill 2012 which will allow the Registrar General to bring land under the Forestry Act 1916 and the National Parks and Wildlife Act 1974 under the Real Property Act 1900. It was found through legal advice received at the Registrar General's request that the land under these Acts is not land that can be dealt with under the Crown Lands Act 1989. State forest land is only able to be dealt with under the provisions of the Forestry Act 1916 and the land reserved as national park is only able to be dealt with under the National Parks and Wildlife Act 1974. The purpose and requirement of this amendment are to ensure that the Registrar General may continue in the task of bringing all parcels of land in New South Wales to Torrens title through his authorisation in part 3 of the Real Property Act 1900. The Act was amended in 1981 to bring under its provisions Crown land held under the Crown Lands Act 1989 with the intention of completing a register of all land in the State by including Crown lands.

New South Wales has three forms of land title. The Old System is a deed-based system that requires extensive searching to prove ownership. Crown title refers to land owned by New South Wales for which no title has been issued. Torrens title is the land held on the Torrens register. The Torrens register is guaranteed by the State and is held on a computerised database, which reduces costs and makes searching easier and more

accurate. The Torrens register records only ownership and any other interests affecting the lands. With only a few exceptions, an owner's interests cannot be defeated by another unregistered interest, nor can an owner's interest be overturned because of a defect in the title prior to the registration of the latest edition of that title.

The land's status as Crown land will not change. These lands will be brought under the Act by creating a folio of the register for the land in the name of New South Wales once an investigation of the Crown title for each parcel of land to be converted establishes that the land is in fact suitable for conversion. A distinctive folio reference will then be issued by the Registrar General with any interest affecting the land being recorded. So far, Land and Property Information has converted more than 60,000 parcels of Crown land to the Torrens system and, continuing into the next phase of the conversion project, it will now convert State forest and national park land to the Torrens register.

The Minister for Finance and Services, the Hon. Greg Pearce, has already spoken about the benefits of the Torrens register with regard to administration, the State's economy and asset management. He also spoke about the digital cadastral database that provides detailed mapping information for all land within our State. That will be of huge benefit to the Department of Primary Industries and the Office of Environment and Heritage, to name just two. This bill represents a logical approach to the management and administration of our land. We have certainly come a long way since our early explorers feared that they would sail off the face of the Earth. I commend this bill to the House.

Mr TONY ISSA (Granville) [5.35 p.m.]: I support the Real Property Amendment (Public Lands) Bill 2012. The object of this bill is to enable Crown land that is reserved under the National Parks and Wildlife Act 1974 or dedicated under the Forestry Act 1916 to be brought under the provisions of the Real Property Act 1900. This is part of a wider project to convert all Old System and Crown title land to Torrens title. As the member for Camden said, there are three types of land title in New South Wales and I understand that the system is very complicated.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I remind the members for Murray-Darling, Keira and Drummoyne that under Standing Order 52 members are entitled to be heard in silence.

Mr TONY ISSA: This bill, which will allow national park land and State forest land to be brought under the provisions of the Real Property Act, will not in itself make it possible to sell national park or State forest land. National park or State forest land can be sold with or without this bill being passed. An Act of Parliament is generally required to sell national park land or State forest land or to revoke the dedication of the land as national park or State forest land. Converting the title of these lands merely means that the land will be put on the public register and be given a certificate of title. After conversion the conveyancing process will be quicker, cheaper and easier, which is one of the benefits of the Torrens system.

Although the land will be brought under the provisions of the Real Property Act, it still remains Crown land. The National Parks and Wildlife Act deals with Aboriginal rights and the conversion of title changes nothing in that regard. Any rights or interests granted by the Aboriginal Land Rights Act are not affected because of the conversion of title. An Aboriginal land council is not prevented in any way from making a claim on land if the legislation allows it to do so. There are approximately 30,000 parcels of national park and State forest land in this State and many of them make up one national park or State forest. The conversion project will be a close collaboration between Land and Property Information, the National Parks and Wildlife Service and Forests NSW to decide what parcels of land are suitable for conversion.

The Crown conversion project undertaken by Land and Property Information began in 2007 and concentrated on lands administered under the Crown Lands Act only, which also included vast tracts of land in the Western Division of the State. The Crown conversion project was always intended to convert national parks and State forests. It was believed that the number of land parcels under the Crown Lands Act suitable for conversion would keep the project busy for at least five years. However, due to the excellent work of Land and Property Information, the project is well ahead of schedule and it is now ready to deal with the conversion of national park and State forest land.

The Torrens system has been the preferred system in New South Wales since 1863 and since it came into operation little has changed, which demonstrates the strength of the system. To create another system for Crown land would be to simply duplicate the system, which in turn would mean separate rules for each system with different costs and different legislation. The first property I bought was Old System title land and it took

my solicitor at least six months to do the research on the property in order to transfer it into my name. It was necessary to first convert the property to the Torrens title system before it could be transferred into my name. I can see the benefit in allowing this amendment to go ahead, especially when there is no additional cost to the ratepayers or taxpayers of New South Wales. The Crown land conversion project is a fully funded project of Land and Property Information NSW. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [5.43 p.m.]: Mr Assistant-Speaker, it is a pleasure to be in the House with you in the chair. I am always pleased with your decisions and directions in this fine House. As we have heard from a number of previous speakers, the object of the Real Property Amendment (Public Lands) Bill 2012 is to enable Crown land that is reserved under the National Parks and Wildlife Act 1974 or dedicated under the Forestry Act 1916 to be brought under the provisions of the Real Property Act 1900, or the principal Act, and converted to the Torrens title. We have heard a number of speakers refer to the positive effect of the Torrens system, the simplicity with which it operates and the clarity it gives to landowners and those involved in the real estate industry.

The Real Property Act governs the Torrens system of title registration in New South Wales. Most of the land in New South Wales is under Torrens title. Owners of land under the Torrens system enjoy the benefits of one of the most robust and reliable land registration systems in the world. This is achieved through the provisions of the Real Property Act, which establishes the Torrens register, a public register that records the current title of ownership and interest in affected lands. An owner who has an interest recorded in the register can rest assured—subject to a few exceptions—that his or her interests cannot be defeated by another unregistered interest. I note that the member for Clarence is in the Chamber and intends to contribute to the debate. He is a certified surveyor and he is obviously deeply interested in this bill. I know he is very talented in his profession and is held in high esteem in his local area, where he has practised for many years. I am sure that he will make a far more in-depth contribution to the debate than I do.

In 2007 Land and Property Information NSW, under instructions from the Registrar General, undertook a large-scale project aimed at converting all the remaining Crown titles. As the member for Granville pointed out, they are ahead of schedule and credit should go to Land and Property Information NSW, the Government department that is undertaking the conversion project. Mr Assistant Speaker, similar to your great electorate of Coffs Harbour, development is a key issue in my electorate—there is continual pressure to create new residential and commercial areas, and the Torrens system is the cornerstone of that. If it is a robust system, business can get on with the job of making this State number one again. As the previous speaker pointed out, the bill contains a number of safeguards because, unfortunately, each time we try to run things efficiently in this State outsiders will fearmonger and raise undue concern in our community.

I know this issue is as relevant in your electorate, Mr Assistant-Speaker, as it is in mine, the great electorate of Tweed. As was pointed out earlier today, I have not said "I am 100 per cent for the Tweed" for some time, so I reiterate that I am 100 per cent for the Tweed. I am sure Hansard—they do a great job—has recorded that. National parks and State forests will not be sold. They are governed by and protected in the Act. The legislation will not remove or affect any Aboriginal native title, which is significant particularly in my electorate. There are approximately 30,000 parcels of land within national parks and State forests. The Tweed is very lucky—it is surrounded by five World Heritage national parks. It is a significant area. The member for Murray-Darling is in the Chamber and I note that a large number of these amendments affect the vast tracts of land contained within his electorate in the Western Division of the State.

The member for Murray-Darling will be a strong supporter and provide clarity and clear direction for the future. As we all know, the member for Murray-Darling has a basic outlook on life and is very forthright in his commitments to the fine people of western New South Wales. The Minister for Finance and Services has done a good job, but there is still a lot of tidying up of other legislation to be done. The Government has been attempting to provide clarity and transparency in its decisions as well as a sense of commitment and certainty for the fine people of New South Wales. I am 100 per cent for the Tweed, and I commend the Real Property Amendment (Public Lands) Bill 2012 to the House.

Mr CHRISTOPHER GULAPTIS (Clarence) [5.46 p.m.]: I am 100 per cent for the Real Property Amendment (Public Lands) Bill 2012 and I commend the Minister for Finance and Services and the Treasurer for continuing to rationalise State legislation, thus making it easier to do business in this State. As a cadastral surveyor, registered in both New South Wales and Queensland, I fully appreciate how robust and accurate the titling system is in New South Wales—a titling system that has been operating for more than 100 years. Anybody who is involved in the development industry, whether as a real estate agent, a lawyer or a surveyor, appreciates the value of the Torrens title system when doing a search.

The Torrens system in New South Wales is governed by the Real Property Act 1900 and is far superior, both in cost and efficiency, over other titling systems that exist in New South Wales, that being the Old System and Crown title. Approximately 95 per cent of land in New South Wales is under the Torrens system and the Registrar General through Land and Property Information NSW is working on bringing the remaining parcels of land under the Torrens system through this conversion project. Converting these lands to the Torrens system will assist the people of New South Wales to enjoy a totally integrated land information system that provides accurate and comprehensive land data in a variety of forms.

This information can be accessed online by anyone, whether in business or Government or a member of the public. It is in the State's best interests to have all land under one title system. This definitive title system will make it easier to deal with land, whether for a transaction or simply to identify its position for emergency services, construction works and the like. There is clearly a significant benefit for converting Crown title to Torrens title but there are specific benefits to agencies that administer Crown lands, for example, under the National Parks and Wildlife Act and the Forestry Act.

Since the commencement of the Crown conversion project in 2007, Land and Property Information has converted more than 60,000 parcels of Crown land. It has received requests from officers of the Office of Environment and Heritage, who administer the National Parks and Wildlife Act, and officers of the Department of Primary Industries, who administer the Forestry Act, to begin conversion of their respective lands to the Torrens title system. The majority of national park and State forest land is under Old System or Crown land title, or a combination of both. Anyone who has been involved in searching and managing land appreciates the difficulty and cost involved in dealing with Crown titles and Old System land, essentially land not under the Torrens system.

The process usually involves experienced staff accessing paper records. Those staff must have a detailed knowledge of how the Old System and Crown titles work to be able to carry out the searches to determine the status of the land. The search is usually done manually as most of the records of national park and State forest land are not on an electronic database. The logistical problem in converting national park and State forest land to Torrens title is that the Real Property Act does not provide for the conversion of land administered under the National Parks and Wildlife Act 1974 and the Forestry Act 1916. The Real Property Act Amendment (Public Lands) Bill 2012 will allow Land and Property Information to facilitate the Torrens conversion and convert lands under the National Parks and Wildlife Act and the Forestry Act to Torrens title.

Once converted to the Torrens system, national park or State forest land will be issued a certificate of title in the name of the State of New South Wales. All interests that may affect the land, including any provisions of the National Parks and Wildlife Act or Forestry Act that may apply, will also be noted on the certificate of title—just like the title to one's own land. Most parcels of land that are converted will also have a notation on the certificate of title to indicate that the land to which the certificate relates is State forest or national park land and is subject to the provisions of the relevant legislation.

The bill will make searching and dealing with these lands quicker, cheaper and easier for both agencies. The title can be searched by any member of the public and that person will be able to see what interests affect the land. It will go a long way to demonstrating the transparency and accountability of this Government. The bill will make it easier to do business in New South Wales. All land under the Torrens system enjoys certainty of title and enables parcels of land to be identified easily and searched. It is a cheaper, quicker and safer system of dealing with land compared to old system or Crown title. Importantly, the owner of land under the Torrens title system enjoys the benefit that his or her title to the land is guaranteed by the State. I commend the bill to the House.

Mr ANDREW ROHAN (Smithfield) [5.53 p.m.]: I support the Real Property Amendment (Public Lands) Bill 2012 and I commend the Minister for its introduction. The object of the bill is to enable Crown land reserved under the National Parks and Wildlife Act 1974 or dedicated under the Forestry Act 1916 to be brought under the provisions of the Real Property Act 1900, referred to as the principal Act—that is, converted to Torrens title. Part 3 of the principal Act allows Crown land capable of being disposed of or dealt with under specified Acts to be brought under the provisions of the principal Act. The conversion of such Crown land to Torrens title will not affect its status as Crown land or the reservations, dedications and other restrictions to which it is subject.

Clause 1 of the bill sets out the name of the proposed Act: the Real Property Amendment (Public Lands) Act 2012. Clause 2 provides for the commencement of the proposed Act on the date of assent to the

proposed Act. Schedule 1 [1] adds the National Parks and Wildlife Act 1974 and the Forestry Act 1916 to schedule 2 to the principal Act to achieve the object specified in the overview of the bill. Schedule 1 [2] enables regulations of a savings and transitional nature to be made as a consequence of the enactment of the proposed Act. The bill will reduce the administrative costs of managing the Crown title of National Parks and Forests. Crown title is land owned by the State of New South Wales for which no title has been issued.

The title to Crown land and Old System land is not held in a computerised database, which makes searching and record-keeping costly. Information on Torrens title land is held in the Torrens Register, the accuracy and reliability of which is guaranteed by the State. Part 3 of the Act allows the Registrar General, at any time, to bring Crown lands under the provisions of the Act listed in schedule 2 to the Act. The land is brought under the Act by creating a folio of the register for the land in the name of the State of New South Wales. Part 3 was included in the Act in 1981. The intention was to enable the Torrens Register to ultimately be a complete register of all land in the State by including Crown lands.

Since 2007, through Land and Property Information, the Registrar General has undertaken a major project aimed at issuing titles for all remaining Crown land. So far, more than 6,000 parcels of Crown land have been converted successfully. The conversion project allows the database of landholdings in the State to be more comprehensible and searchable, which, in turn, provides benefits to both the Government and the people of New South Wales. The conversion project identified conversion of State forest and national park land as the next phase of the project. However, before the project moved to convert those lands, legal advice determined that the lands did not fall within those Crown lands that the Registrar General may convert.

It was thought that as land dedicated or reserved as national park and State forest was Crown land it could be converted, but legal advice cast doubt on that assumption. Land that has been dedicated as State forest and national park is Crown land but not land that can be dealt with under the Crown Lands Act 1989. State forests and national parks can only be dealt with under the provisions of the Forestry Act 1916 and the National Parks and Wildlife Act 1974. Neither of those Acts is listed within schedule 2 to the Act and therefore is not land that the registrar can convert under part 3 of the Act. To eliminate any doubt, the National Parks and Wildlife Act and the Forestry Act are proposed to be included in schedule 2 of the Act to provide a clear legislative basis to enable the conversion of these lands.

The creation of a Torrens title for national park and State forest land will not affect the status of that land as Crown land, nor will it impact on any Aboriginal rights or interests under the Aboriginal Land Rights Act 1983 or on any native title that may exist in the land. Conversion of the title will not enable the land to be sold or affect the manner in which it can be dealt with. It will simplify searching and record-keeping, which will assist in better management. The amendments are supported by the Department of Primary Industries, which administers the Forestry Act, and the Office of Heritage and Environment, which administers the National Parks and Wildlife Act. I commend the bill to the House.

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

CRIMINAL CASE CONFERENCING TRIAL REPEAL BILL 2011

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [6.00 p.m.]: I move:

That this bill be now agreed to in principle.

The Criminal Case Conferencing Trial Repeal Bill 2011 was introduced in the other place on 24 November 2011 and is in the same form. The second reading speech appears at pages 49 to 51 in the proof *Hansard* for 16 February 2012. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [6.01 p.m.]: I lead for the Opposition on the Criminal Case Conferencing Trial Repeal Bill 2011. The Opposition does not oppose this bill, although it is profoundly disappointed by the actions of the Government and the Attorney that have led to this point. The trial has already been terminated by regulation. This bill deals with the aftermath of that. The object of the bill, as expressed, is to discontinue the Trial Criminal Case Conferencing Scheme and thus to repeal the Criminal Case Conferencing

Trial Act 2008 and associated regulations, to preserve any entitlement to a 25 per cent discount on a sentence for an appropriately entered guilty plea and to provide for the continued application of the discount to any offender pleading guilty at an appropriate time.

There is an interesting and instructive history to this bill. Criminal case conferencing was instituted as a trial on a legislative basis in 2008 by the criminal case conferencing trial. Its aim was to encourage early pleas of guilty in criminal matters. This was achieved by enshrining a statutory discount on a sentence in return for an early plea. This not only avoided lengthy and expensive preparation costs and thus provided greater court time; it also removed stress and inconvenience for witnesses and victims. The legislative scheme had been preceded by a voluntary non-legislative scheme. On 9 April 2008 the now Attorney—then shadow Attorney—participated in the agreement in principle debate on the Criminal Case Conferencing Trial Bill. He described the bill and the scheme it introduced as "a very important piece of long-overdue criminal justice legislation". The member for Epping was very critical of the then Government's efforts. He castigated it for not having previously instituted the legislative framework to give the trial what he described as "real teeth". He went on to say:

As a result of the Government's procrastination, the criminal case processing scheme was only partly successful.

He pointed to the consequent wrangling over budget money between government and his old friends at the Director of Public Prosecutions. In light of the now Attorney's then rhetorical flourishes, it is supremely ironic that he is now the one burying the trial—and burying it because he could not get the comparatively modest sum of about \$1.5 million to \$2 million from Treasury. The trial was extended several times beyond its original completion date. The most recent extension was by the current Attorney General, which makes this legislation even more odd.

Regulation No. 307 of 2011—the Criminal Case Conferencing Trial Amendment (Extension) Regulation 2011—was under the hand of this Attorney General. That regulation extended the operation of the trial until 1 July 2012, that is, the middle of this year. This regulation was published at the end of June 2011. The next step in the saga was a bolt from the blue. On 7 October 2011—a mere few months later—the Government issued another regulation, No. 536 of 2011, the Criminal Case Conferencing Trial Amendment Regulation 2011, which cancelled the scheme as of the next day, that is, 8 October 2011. This was done with no public announcement and no media release. The absence of a media release by a Minister in any case is *prima facie* suspicious. Such curious behaviour—a direct backflip with no public explanation—provoked questions in estimates hearings of the Attorney. Asked about the reasons for cancelling the scheme, the Attorney blamed two factors.

The first factor he blamed was that an assessment by the Bureau of Crime Statistics and Research [BOCSAR] had been negative. That is interesting but entirely unpersuasive as a real explanation. A question I asked on notice on 8 November 2011 elicited an answer on 13 December 2011, which made it clear that the Bureau of Crime Statistics and Research report was one that was released publicly on 8 July 2010 and there was no other published evaluation of the trial. The timing of the report makes it a mockery to blame the decision to discontinue the trial on the basis of the report. The report, dated June 2010, was publicly released in July 2010. The study period ended well before that. The Government had this report well before June 2011 when it decided to extend the trial. The decision to extend the trial in June 2011 occurred 12 months after it had access to a report whose period of study ended well before that.

The directly opposite decision several months later must have been based on something other than the Bureau of Crime Statistics and Research report—especially as the Attorney conceded at estimates that both prosecution and defendant wanted to proceed. And in any event the Bureau of Crime Statistics and Research report was not categorically opposed to the trial: It conceded there was weak evidence rather than no evidence that the trial was successful. As I read the report there were significant methodological and analytical challenges in its compilation, as the Bureau of Crime Statistics and Research very openly concede. It was not until March 2009 that the scheme was fully operational.

The authors of the report of the Bureau of Crime Statistics and Research very correctly acknowledge that data-related issues might have precluded an ability to detect positive effects of the scheme. Assuming that there was not substantial impact, one of the reasons the authors suggest is that the scheme might not have been implemented constantly or consistently enough. If the Bureau of Crime Statistics and Research report is not the real reason for trashing the trial, what is? Once again the estimates hearings are useful. The Attorney made it clear in his view that the other reason—and in my view the real reason for the trial being dumped—was money.

What has changed in the Attorney's view of the trial between June 2011 and October 2011 was that he lost the battle with Treasury. He admitted at the estimates hearing that he could not get the funds for the scheme. He said:

It has been difficult to get funds ... it was not an enormous amount ... I think it was about \$1.5 million. It might have been \$2 million, but the DPP could not afford to keep it going without that funding. Over the year it has been cut back quite a bit and it is a strain and that is a lot of money.

With respect to the Attorney General, it is not a lot of money in the context of the New South Wales budget. Properly implemented it would save money for the Director of Public Prosecutions, legal aid and the court system generally. It represents and reflects an abject failure by the Attorney not to have secured this funding. It represents a completely myopic view on the Government's behalf; it is a classic example of penny wise pound foolish. My inquiries of the Bar Association indicate that the Director of Public Prosecutions is still trying to informally conduct such a scheme, but without extra funds. The Chief Magistrate is in the process of finalising an amended practice note on procedures for committal hearings in the Local Court that will help support the informal mechanism of the Director of Public Prosecutions. Extra funds would no doubt assist and improve these attempts. They will streamline procedures and reduce costs. The Attorney General and the Government have given up on helping to manage court lists and reduce costs. Thankfully, the Director of Public Prosecutions and Chief Magistrate have not. The Opposition does not oppose the bill.

Mr STEPHEN BROMHEAD (Myall Lakes) [6.07 p.m.]: I support the Criminal Case Conferencing Trial Repeal Bill 2011. The first object of the bill is to discontinue the Trial Criminal Case Conferencing Scheme established under the Criminal Case Conferencing Trial Act 2008 and, accordingly, to repeal the Criminal Case Conferencing Trial Act 2008 and the Criminal Case Conferencing Trial Regulation 2008. The Criminal Case Conferencing Trial Act 2008 established the trial scheme, which commenced on 1 May 2008, for participation in criminal case conferencing. The scheme was designed to encourage early plea negotiations in certain criminal cases heard in certain courts before committal for trial. The Act prescribed discounts for guilty pleas in matters to which the scheme applied. If an offender pleaded guilty at any time before being committed for sentence the court must allow a discount of 25 per cent. If an offender pleaded guilty to an offence at any time after being committed for trial, the court may allow a discount of up to 12.5 per cent unless substantial grounds exist that warrant a discount that is greater than 12.5 per cent but not greater than 25 per cent.

The other objects of this bill are to preserve any entitlement under the scheme to a 25 per cent discount on sentence for a guilty plea entered before committal; to provide for the continued application of a discount under the scheme to any offender who, before the repeal date, had pleaded guilty to an offence at any time after being committed for trial; and to continue the application of certain procedural protections under the Act. Criminal case conferencing was designed as a case management process to encourage early plea negotiations before trial in criminal cases. Unfortunately, anecdotal evidence indicates that implementation of the trial was initially inconsistent with the formal requirements of the Act and not applied consistently for some months. Even following the initial months of the trial, conferences were not held in all matters, despite the compulsory nature of the scheme and, disappointingly, a high proportion of matters committed for trial concluded with a guilty plea shortly before trial.

A great problem in criminal matters is that some offenders are not guilty and they want to plead not guilty; some offenders may be guilty but they tell their lawyer that they are not guilty; some offenders, although guilty, say that they are not guilty because of embarrassment or fear of what may happen to them; and many offenders, like ostriches, put their head in the sand and want it all to go away. The problem for practitioners is that in the lead-up to the trial, when the compulsory case conference is meant to take place, many Legal Aid clients are almost impossible to contact and at that stage they are still adamantly pleading not guilty. It is not until the trial day and they reach the steps of the courthouse, they have the wise advice of their lawyer ringing in their ears, they contemplate the prospect of getting in the witness box and having to give evidence and being cross-examined and the trial potentially taking many days or weeks, that suddenly it focuses their mind and they decide to change their plea from not guilty to guilty.

It was found that at the case conferencing stage many offenders were not focussed on the possible consequences and they wanted to plead not guilty, no matter what. Conferencing in an informal sense goes on between defence and prosecution constantly. From the time of the arrest, through the committal process and through to trial there is a constant dialogue between the defence and the prosecution as to the evidence, the witnesses and the prospects of a change of plea. Although it was a good idea to get people to conference, in fact it was not working. In my practice as a lawyer, on many occasions I would receive a call from the Office of the Director of Public Prosecutions, we would discuss a matter and then they would say, "Consider yourself

conferenced". I know that back then—before I came to this place—the Office of the Director of Public Prosecutions was overworked. They had many files to contend with and were not 100 per cent committed to a formalised type of case conferencing.

As I said, the legislative trial started in May 2008 and was extended in April 2009 to enable a more comprehensive evaluation by the Bureau of Crime Statistics and Research. The evaluation, completed in 2010, found little evidence that the scheme had produced a direct impact on the outcomes measured, except a modest decrease in trial registrations in the Sydney District Court in criminal case conference matters. That research backed up what practitioners in the industry were finding on a daily basis that the formalised case conferencing, set down to take place at a particular time, simply did not work. Prior to the introduction of the trial on case conferencing, often a plea of guilty prior to a criminal trial would result in a 25 per cent discount on sentencing. In that sense, the case conferencing outcome was sometimes a bit disappointing and may have acted as a deterrent to pleading guilty.

Another scheme that had been introduced to try to shorten trials and avoid going to trial was a sentence conference before trial where the trial judge would indicate the sentences to be handed down based on whether the offender pleaded guilty or not guilty. However, people had an incentive to plead not guilty because if they were found guilty following the trial, often the sentence handed down was less than the penalty indicated at the sentence conference. So that scheme also fell by the wayside. After the release of the Bureau of Crime Statistics and Research report, the conferencing scheme was extended on a number of occasions to facilitate ongoing discussions between the Office of the Director of Public Prosecutions and Treasury regarding the future of additional funding to the Department of Public Prosecutions to support improved implementation of the scheme. Ultimately it was determined that the results of the trial no longer justified the resources that were required to fund the department's participation.

Clause 3 of the bill formally repeals both the trial Act and the supporting regulation. Schedule 1 provides for transitional provisions for those matters that have already commenced and but for the repeal would be subject to the scheme. The transitional provisions are to be located in the Crimes (Sentencing Procedure) Act 1999, allowing the complete repeal of the trial Act. The provisions make clear that the obligations under the Act, including participating in conferences, will cease to apply from the commencement of the repeal Act. This will immediately reduce the burden on the Office of the Director of Public Prosecutions and Legal Aid to attend conferences for every committal matter. However, in recognition that some matters may have progressed through various stages of the conferencing process, with a possibility that they would have led to an early plea, the transitional provisions protect offenders' entitlement to a discount of 25 per cent if their matter commenced prior to 8 October 2011 and they enter a plea of guilty prior to the committal.

To remove such an entitlement when negotiations on charges had commenced on the undertaking that they would be subject to the scheme would be unfair to the defence and risk delaying the finalisation of matters that may have benefitted from the scheme. When an offender has entered a plea of guilty after committal for trial but before the repeal date, the transitional provisions provide that any discount for a guilty plea is still limited. The motives behind the original Act were commendable but, in practice, they simply did not work. The ultimate answer is if we are not getting the desired outcome we repeal it. I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [6.17 p.m.]: The Criminal Case Conferencing Trial Repeal Bill 2011 will end the trial period for the process of criminal case conferencing in New South Wales and remove the related regulations that have supported the trial. The original bill established a trial that commenced on 1 May 2008 for participation in criminal case conferencing. The scheme was designed to encourage early plea negotiations in certain criminal cases heard in certain courts before committal for trial. The Act prescribes discounts for guilty pleas in matters to which the scheme applies. If an offender pleads guilty at any time before being committed for sentence, the court must allow a discount of 25 per cent. If an offender pleads guilty to an offence at any time after being committed for trial the court may allow a discount of up to 12.5 per cent unless substantial grounds exist that warrant a discount that is greater than 12.5 per cent but not greater than 25 per cent.

Despite the desired outcome to improve efficiency and reduce unnecessary costs within the criminal justice system, the outcomes of the trial indicated an inability for the criminal case conferencing to significantly increase the amount of early guilty pleas, which obviously leads to the bill before us today. The purpose of this bill is to discontinue the trial criminal case conferencing scheme established under the Act and, accordingly, repeal the Criminal Case Conferencing Trial Act 2008 and the Criminal Case conferencing Trial Regulation 2008 on the date of assent to the proposed Act. As previously detailed in the House, improvements that did occur could not be directly attributed to the trial, as comparable patterns were seen in the comparison court.

Furthermore, there was evidence which indicated that the trial was not administered properly in the first stage, which resulted in an inability to adequately assess the data. The trial had been given multiple opportunities through extensions to demonstrate the potential effectiveness of the criminal case conferencing process. With each extension more money was required to be allocated to the trial. However, it continued to be found that the costs were not justified by the results. Unlike previous Governments that we have had to suffer in this State, effective use of public money is important to the Liberal-Nationals Government. An awareness of the financial costs associated with the continuation of the trial and consideration of the inability of the trial to demonstrate a significant value to criminal case conferencing have led this Government to end the trial and to repeal the Criminal Case Conferencing Trial Act 2008.

It is important for a government to be responsive to feedback and the results of trials in order to govern effectively. If we as a Government were to continue engaging in trials and practices that were not beneficial for society and were at significant cost to our community, we would not be fulfilling our responsibilities as the governing institution of this State. Furthermore, the need to be aware of the unjustified cost of such trials is pertinent at a time when the people of New South Wales are feeling the financial burdens of the increased cost of living, higher petrol prices and high rental fees. It would be irresponsible of the Government not to be considerate of these factors in society and the need to responsibly manage public funds.

By choosing to end this trial and open up room for alternative avenues to combat our concerns about the justice system, we are working towards making New South Wales number one again. We are pursuing paths that appear right for this State, not just paths that may seem easy or desirable. We are a Government that is committed to long-term solutions, with real change in sight. We are a Government that is committed to reducing the number of late guilty pleas entered before a trial and we will continue to be open to pursuing alternative measures to achieve this end. We are talking about yet another bill introduced by the Attorney General in the past couple of weeks—an Attorney General who is committed to improving the efficiency of our courts and getting tough on crime. I commend the bill to the House.

Mr BRYAN DOYLE (Campbelltown) [6.21 p.m.]: It gives me great pleasure to speak in support of the Criminal Case Conferencing Trial Repeal Bill 2011. As previous speakers have said, basically the bill discontinues the trial criminal case conferencing scheme established under the Act but maintains and preserves the entitlements of the scheme's discounts for pleas of guilty. This is important when one considers the cost and the implications of running a full-scale trial. The detective, who is usually the informant in the matter, has to prepare not only a full witness list and the brief of evidence but also marshal witnesses, get them to court and arrange what is colloquially known as a batting order. The detective works out with the Crown the nature of the witnesses and the order in which they are required to give their evidence. On average, most trials run for between three and five days. People are waiting outside court suffering all the tension and heightened anxiety that go with being a witness and a victim in a criminal matter.

There is also the impact on policing, as police are required to attend court to give evidence. There is also the process of preparing the brief, reviewing the evidence and being prepared for cross-examination. A huge amount of time and effort is required on the part of the informant police and the witness police and this also impacts on the ability of front-line commands to fully resource their policing rosters. It also has an impact on juries, that time-honoured duty when 12 people are required to sit in court and judge matters of fact. My great-grandmother, Katherine Hislop, who was one of the first women justices of the peace and a leader in her time in the early 1920s, campaigned as President of the Women Justices Association for women to serve on juries at a time when women were considered to be not quite up to it, principally because there was a fear they would not be able to cope with the complexities of the matters. I think the question of who was going to cook dinner may have been the real reason behind that concern.

The impact on that wonderful community service of jury duty needs to be handled with care and discretion. There is also the cathartic effect of a defendant pleading guilty to the offence. Assuming the person has committed the offence, pleading guilty is an act of contrition in itself because the offender acknowledges that his or her conduct has amounted to a criminal offence. It also enables victims to obtain not only justice but satisfaction from the system without going through the ordeal of a trial and cross-examination. In summary, the fact that the bill preserves the concessions for an early plea of guilty is a benefit. I commend the bill to the House.

Mr ANDREW CORNWELL (Charlestown) [6.25 p.m.]: I support the Criminal Case Conferencing Trial Repeal Bill 2011. We are making an important change. As the member for Campbelltown said, the trial had moderate success and therefore some changes were required. The objects of the bill are, firstly, to

discontinue the trial of criminal case conferencing that was established under the Act and, secondly, to preserve the entitlement under the scheme to a 25 per cent discount on sentence for a guilty plea entered before committal. The bill provides for the continued application of a discount under the scheme to any offender who before the repeal date had pleaded guilty to an offence at any time after being committed for trial. It also will continue the application of certain procedural protections under the Act.

The Criminal Case Conferencing Trial Act 2008 established a 12-month trial scheme that commenced on 1 May 2008 for participation in case conferencing for certain indictable offences. The trial was created in response to an increasing trend of late pleas of guilty and late termination of proceedings. The classic example is someone who waits until they are on the steps of the courthouse and then pleads guilty. As the member for Campbelltown indicated, the costs have already been racked up with solicitors and the various parties have gone through all of the stress associated with an upcoming court case, and then someone pleads guilty at the last minute. The scheme also sought to improve cooperation between the Office of the Director of Public Prosecutions and the police to ensure that offenders are being charged with appropriate offences.

The bill will formally discontinue the scheme, as it was effectively ended by the Criminal Case Conferencing Trial Amendment Regulation 2011 which provided for the operation of the scheme to be finalised on 8 October 2011. The most important point is that it was a scheme that had good intent. Just because we are getting rid of the mandatory component does not mean that people cannot still make an early guilty plea. That is something that would be encouraged. The scheme's intent was good but it just was not a particularly successful amendment. The scheme has been tried and has not been overly successful and the fact that we are now reverting to the old system is a positive move. It provides clarity, and the opportunity is still there for people to lodge an early guilty plea if it is the most appropriate outcome for all concerned. I commend the bill to the House.

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

[Acting-Speaker (Ms Melanie Gibbons) left the chair at 6.30 p.m. The House resumed at 7.00 p.m.]

PRIVATE MEMBERS' STATEMENTS

HEATHCOTE RIDGE DEVELOPMENT PROPOSAL

Ms MELANIE GIBBONS (Menai) [7.00 p.m.]: The Gandangara Local Aboriginal Land Council has released plans to develop a large section of bushland in west Menai into a 2,700 home development, known as "Heathcote Ridge". As members can imagine, I have received a number of letters, emails and phone calls and people have stopped me in the street to talk to me about this proposal. A development of this size is bound to draw the attention of the surrounding community, and I want to share some of their concerns today. Submissions regarding this development closed last week. All submissions can now be viewed online at the Planning NSW website. I note that about 80 per cent of the submissions published on the website are marked as "Object". After talking to the community I wrote my own submission outlining my concerns.

Of paramount concern to me were: bush fire safety and evacuation procedures for residents of the new development and existing residents in the area; ongoing issues with traffic congestion; and the further strain a development of this size would have on the surrounding roads, in particular, the already dangerous Heathcote Road. I am also concerned about the environment, with threatened flora and fauna on the site, Aboriginal culture and heritage in the area, a lack of public transportation in and out of the proposed development, house and land sizes in comparison with the existing standard in the Sutherland shire, the uncoded infrastructure in the proposed development, and a further strain on existing education facilities in the area. These are concerns that require much thought and consideration, and I do not believe that they have been adequately addressed in the proposal by the land council.

The proposal consists of the utilisation of current vacant lands in the west of Menai to accommodate potentially 332 hectares of land for urban purposes, including 71 hectares of employment land, a new town centre of 2.15 hectares and other uses of 25 hectares, with 517 hectares proposed to be a conservation area. The proposal also outlines the provision of 2,700 homes and accommodating open space on a site of 207 hectares. Whilst there is no doubt that Sydney has a housing shortage, any increase in availability needs to be located in suitable areas. I believe that urban housing should also be compatible with the surrounding communities, be

well thought out and make a positive contribution to the local area and region. This proposal is one of the most significant proposals for the area in terms of size and impact. As such, we must ensure that appraisal of the proposal ensures a positive legacy and removes any detrimental impact wherever possible. The proposal in its current form, I believe, lacks clarity, purpose and direction. It lacks a comprehensive understanding of the significant issues pertaining to the site, surrounding communities and land uses.

The approach taken to the mitigation of fire threats does not allow me to have confidence that the future residents would not be placed in harm's way, nor am I confident that lives and property are not being placed at risk in the endeavours of the applicants to maximise the land uses. Concerns do arise in regard to the urban densities that are being employed. This is exemplified in the minimum allotment sizes being well under community expectations and the densities employed for higher residential areas not being compatible with the local transport and community infrastructure. The congested transport corridors and the lack of available public transport would make it apparent that the communities of future developments will be isolated. This isolation is further exacerbated through a lack of community services and local infrastructure and services.

It would be difficult to envisage local authorities providing the necessary infrastructure for this development. It currently remains undetermined or not provided by the applicant through the additional rating base or future rate income. As such, the isolation of these communities would remain unaddressed for a significant period. Of real concern to the community is the loss of natural habitat and threat to some local species. I have a concern that an extension of the Bangor bypass will ruin some of the land that should be conserved and feel that more investigation needs to be done to ensure that enough land is being protected. I cannot support this application or the proposal until the submitted concerns are taken seriously and addressed by the applicant. I hope for a mutually beneficial outcome for all in the foreseeable future.

FAIRY MEADOW DEMONSTRATION SCHOOL

Mr RYAN PARK (Keira) [7.05 p.m.]: I wish to acknowledge the Fairy Meadow Demonstration School. It is termed a demonstration school because it is recognised as a leading educational institution providing opportunities for new teachers to learn about the profession of teaching. Last week I had the pleasure of joining John Thorne, principal of Fairy Meadow Demonstration School, at the 2012 Student Representative Council induction ceremony at the school. Members on both sides agree that being part of school communities and visiting the fantastic schools in our electorates are among the best aspects of being a local member. Having been a member of many student representative councils, as I am sure many members on both sides of the Chamber have been, I took great delight in taking this opportunity to recognise these student leaders.

I was particularly impressed by the way in which the student leaders demonstrated and articulated in conversations that I had with them after the ceremony what their aims and goals are for the school. Some talked about improving school facilities, others about improving school programs and improving the feel and appearance of their school. I thought their approach was very mature. On my way back to the office I thought, what a fantastic system it is that gives these students aged 12 years and younger an opportunity to be leaders in their school community and to demonstrate what leadership means to them.

Fairy Meadow Demonstration School students listened to talks by Electoral Commission staff on the formal processes involved in conducting elections and how elections are won. The commission staff afforded students the opportunity not only to demonstrate leadership but also to learn a lot about the election processes that candidates and parliamentarians go through every four years at the State level and just over three years at the Federal level. I thought the message delivered was very insightful and important, and that it was a very good move by the school to organise this talk at the ceremony. I want to put on record my thanks to John Thorne, a proactive principal with enormous passion for his local community. He drives projects and achieves fantastic results for the school. It is a pleasure to be his local member and to be able to put that on the record. I particularly thank the Student Representative Council leaders: presidents Jack Webb and Charlie Banks-Robinson and vice-presidents Lachlan Morgan and Gaby White—Davis.

They were fine examples of young leaders and showed what young people are capable of. Their parents said that for some of them this was their first opportunity to play any kind of leadership role. Parents with whom I was particularly impressed said that they did not realise that their child was interested in this type of thing until he put his hand up to participate in the process. I thought it was fantastic that these young people had willingly put their hands up to be judged by their peers for the first time in their life in a formal sense and to become involved in this process. I thank Fairy Meadow Demonstration School for the invitation to attend the induction. I commend the work of the teachers in the school and the efforts of the student leaders. As I said to them on the

day, I look forward to working with them and engaging with them to make the school an even better place in which to learn. It was a fantastic day and I appreciate immensely their ongoing support and the work they do in our local community.

LISMORE BASE HOSPITAL

Mr THOMAS GEORGE (Lismore—The Deputy-Speaker) [7.10 p.m.]: I was delighted last week at the announcement of the Minister for Health that Aurora Projects had been appointed as the project manager, and Hassell the architects, to undertake design of the development of stage three of the Lismore Base Hospital. Altus Page Kirkland has been appointed as the project's cost manager. This is part of a promise made by the Minister for Health and the O'Farrell-Stoner Coalition at the election campaign launch last year to provide funding of \$10 million to go towards the planning and development of the Lismore Base Hospital and the hospital in the Ballina electorate. Now that the consultant team has been announced planning works can get underway.

There was extensive consultation in the lead-up to that announcement, and further extensive consultation with take place with relevant community stakeholders, including nurses, doctors, health professionals and members of the Northern New South Wales Local Health District Board. It is great news for the community. Lismore Base Hospital has been well and truly in need of the development of stage three for years. Stage one involved the development of the mental health unit, and that has been completed and is running very well: it has become the mental health unit for the Northern Rivers area of New South Wales. Stage two was the integrated cancer unit and, with funding from both the State Government and the Federal Government, that too has been completed. It will be one of the most modern units of its kind in Australia in which a positron emission tomography [PET] scanner will be installed, hopefully over the next couple of months. The provision of the two bunkers at Lismore will complete the facilities necessary for a fully integrated cancer unit.

I am very honoured to be a director of the Northern Rivers Community Cancer Foundation and a patron of Our Kids. We are building a facility in Lismore for cancer patients—and their children and families—who will receive care at Lismore Base Hospital's cancer unit. It is a project of which I am very proud because not only has it had support from the State and Federal governments support but also it has had the support of the local community. I am very proud that the community has been able to put this project together. It will cost \$5.5 million and it will provide 20 units with motel-style accommodation and communal areas for families. It will provide support for the families that stay there and the communal areas will promote interaction between the families. I should mention also that Lismore City Council has given the project generous support and has been very involved in the project.

I highlight all these other facilities to emphasise the importance of the completion of stage three of the Lismore Base Hospital, because people will be coming to Lismore to use the facilities and in many cases they will also need to go to Lismore Base Hospital, which is the base hospital for the Northern Rivers region. We have been pushing for some time to have stage three completed, and now that an announcement has been made about those who will plan the development we can go forward. I thank the Minister for Health and also the State and Federal governments for their contributions in getting this redevelopment underway.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.15 p.m.]: I commend the tremendous work of the Deputy-Speaker. He has always been a very strong advocate for the community he represents. It has been obvious to me since I became a member of this place that the provision of health services is high on his agenda: he has talked regularly about this both in this House and in the party room. The Lismore electorate is fortunate to have a representative who pushes for better health services and who is a very strong advocate for the development of stage three of the Lismore Base Hospital. I commend him for his efforts on behalf of his community. We are very pleased to have members of the calibre of the Deputy-Speaker representing our regional communities.

CABRAMATTA BOWLING CLUB

Mr NICK LALICH (Cabramatta) [7.16 p.m.]: Tonight I speak about a wonderful venue in my electorate of Cabramatta, the wonderful Cabramatta Bowling Club, which has been in existence for the past 60 years and has been an important part of the local area and the local community. Formed in 1952 to promote the sport of lawn bowls and also to provide a recreational place for the local community to socialise, Cabramatta Bowling Club continues to move from strength to strength. The current membership of the club is almost 2,500, of which more than 300 are competitive lawn bowls players. In 2011 one of the club's rising stars, Mr Michael

Clarke, was awarded the 2011 New South Wales Most Improved Bowler of the year at the Bowls New South Wales annual presentation evening. Mr Clarke has been playing bowls for the past 15 years and is currently State Champion Open Pairs and New South Wales Champion of Club Champions Pairs.

Cabramatta Bowling Club has a fantastic history of achievement and Mr Clarke's award for equal Most Improved in New South Wales continues that great legacy. I visited Cabramatta Bowling Club late last year to congratulate Mr Clarke on his achievement and to say hello to all the bowlers using the facilities. Mr Clarke is not the only high achiever at Cabramatta Bowling Club; currently Cabramatta Bowling Club has 12 world champions, with four members having competed at the 2010 Delhi Commonwealth Games. Those local representatives brought home a Commonwealth Games silver medal and the local community is very proud of them and their great achievements, as I am.

I would also like to acknowledge Cabramatta Bowling Club's Karen Murphy, who was recently inducted into the Australian Bowls Hall of Fame. The Hall of Fame has two categories for induction. The first category is Athletes, for those who have competed at international competition level for Australia. The second category is General, for those selected for excellence and outstanding achievement in roles supportive to the sport of bowls, including administration, coaching and officiating, media and history, sports science and technology.

On my recent visit to Cabramatta Bowling Club, general manager Barry Watkins showed me the new state-of-the-art covering that protects the bowlers and the bowling green from the elements. The cover affords the players certainty of playing—whether rain, hail or shine. The cover is the first of its kind in Australia and offers 95 per cent ultraviolet protection to the players and patrons of Cabramatta Bowling Club. It is a majestic piece of infrastructure. The day I visited it was raining and the club members were happily enjoying their games of bowls without a worry in the world. It is a world-class facility for world-class bowlers.

Apart from providing our local community with a place to play both competitive and social bowls, Cabramatta Bowling Club is a hub of activity where our diverse community can come together. With activities from bingo to raffles to live Vietnamese music and even Karaoke, Cabramatta Bowling Club remains an important place in which people of all cultures in my local community can come together. Cabramatta Bowling Club is ably led by club president John Binnie, general manager Barry Watkins and directors Norma Johnson, Michael Morthorpe, Colin Strudwick, Colin Lewis, Fred Priestly, Gary Trick, Fred Fardell and Ron Davis. I commend all the players and patrons of Cabramatta Bowling Club for ensuring its important place in our local community and wish the club every success in the future.

SPRINGVALE MINE

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.20 p.m.]: It usually gives me pleasure to speak in this House but today I must address an issue that is very concerning to my electorate. This issue has the potential to directly impact my local community, operators and workers. It can even impact people across this State and country. It is causing a lot of angst, concern and uncertainty and I call upon the Federal Government to address this issue in a timely manner. I speak about the tardiness of, and lack of response from, the Federal Government to approving operations at the Springvale mine near Lithgow.

Centennial Coal made an Environmental Protection and Biodiversity Conservation referral in April 2011. Logic tells me that if the referral was made in April 2011 there has been more than sufficient time to respond. It appears that the Federal Government has no comprehension of the impact of this delay on the communities that rely on the operation of this mine. The socioeconomic impact is immeasurable. Staff members are placed in an untenable position in regard to their ongoing employment. In addition, generators at both the Mount Piper and Wallerawang power stations rely on the production of coal from this mine. If there is a failure of supply the repercussions for contracts will be dire and continuing generation of power will be at risk. Power in this State could be turned off sooner than we think if this matter is not resolved quickly.

The Springvale mine has been in operation since 1992: this year it will celebrate 20 years of operation. Projections are that if this approval is given it will allow the mine to continue its current operations for a further 21 years. As a result of the delay the sterilisation of 1.5 million tonnes of coal has been undertaken. That will cause profit loss to the company and a loss of \$10.9 million in State royalties and \$14 million in Federal taxes. This situation will result in a loss of revenue and also an undermining of the confidence of regional people in the Federal Government because of the tardiness of its response and its inability to focus on and sustain infrastructure and regional development as a priority. Some 285 employees and 70 contractors are waiting for

this matter to be signed off. At this time their futures are at risk. It is unnecessary and inappropriate that the situation should be in limbo. Centennial Coal has already made it clear that, unless this is resolved, by the end of this week workers could be laid off or told to take extended leave from their place of employment. It is a critical issue that needs to be addressed immediately.

The processes involved in addressing this situation are reflective of the highest level of bureaucratic mismanagement. I call on the Federal Minister, the Hon. Tony Burke, to act swiftly to address this untenable situation. The Springvale mine is currently in an extended non-production period as a result of this. It is time to commence workable, controlled action to secure employment and the ongoing operation of this mine. I plead with the Federal Government to give an answer as quickly as possible and to explain to the electorate, operators, community and workers why they are being kept in the dark and why it takes so long to provide an answer. This is an important issue to people in my electorate. Many jobs have been placed at risk and we need an expedited response so that we can get on with the business of providing power to this State.

OUR LADY OF LEBANON YOUTH AND COMMUNITY PASTORAL CENTRE

Dr GEOFF LEE (Parramatta) [7.25 p.m.]: Last night I attended the opening of the Our Lady of Lebanon Youth and Community Pastoral Centre. It was a privilege to be invited to take part in the celebrations. His Excellency Bishop Ad Abikaram, the third Bishop of the Maronite Church, and Premier Barry O'Farrell opened the centre in front of a crowd of 400 to 500 people. The centre is a \$6 million purpose-built youth and community centre in Harris Park, in the Parramatta electorate. Plans for the centre began more than 25 years ago, born out of aspirations of the late Archbishop Abdo Kalife and then Youth Chaplain Father Michael Kayrouz, who wanted to build a youth complex to serve the community.

The centre caters for more than just the youth; it also provides faculties for children, families, the elderly and people with disabilities. It was an ambitious task to borrow the money necessary to build this community centre, but its completion has been achieved as a result of the vision, strategy and hard work of volunteers from the Maronite community and people throughout Parramatta and surrounding suburbs. The centre now provides a community hub for pastoral and community care and it services the needs of 20 parishes and interested parishioner groups. Its philosophy is to embrace the twenty-first century needs of the community. Times are now tougher for everyone and the centre is set up to take a proactive stance in helping the community.

Last night we heard from the groups that use the facility. There was a great celebration as the heads of each group spoke about what their groups do. We heard from representatives of the stewardship committee, the ladies committee, the youth committee, the Sodality of the Immaculate Conception, the Marian Apostolic Movement, the teens group, the Fersen El Adra group, the liturgical and pastoral committee, the family committee, the seniors committee, the Faith and Light committee, the Arabic language school, the Divine Word family and the parish bulletin committee. That huge list demonstrates the active and positive contribution that the centre makes to Parramatta and surrounding suburbs.

I pay tribute to Monsignor Shora Maree, who took ownership of the project and worked tirelessly for the past three years to bring this centre to fruition. Last night he said that this was the first project he had ever built. It is a tribute to the monsignor's excellent managerial skills that he was able to build something of such complexity and importance. I congratulate him on his dedication and on a job well done. The project build was led by George Khattar and his Dyldam team until George's sudden passing in 2010. His work was continued by his brother Joe Khattar and the rest of George's family, with the assistance of the GNK Foundation, which was formed in memory of George. I pay tribute to the Khattar family: without their dedication the project would not have been completed on time or to such a high standard. Last night was a celebration and acknowledgement of 40 years of work in the Harris Park community.

The parish has grown from humble beginnings to an iconic church within the Harris Park area. The development of this new \$6 million centre is a tribute to that development. There are approximately 30,000 parishioners around the Harris Park and Parramatta areas and the church services something like 50 areas. It has a growing congregation. Its continued growth would not have been possible without the dedication of clergy. I commend Monsignor Shora, Father Antoun, Father Paul, Father Sam, Father Pierre, Father Bernard, Father Tony, Father Raphael, the Maronite Sisters of the Holy Family, staff, committee members and volunteers. The last word should be that of the Premier, and I paraphrase him: Like the cedars of Lebanon, let the Maronite community grow tall and strong.

Private members' statements concluded.

BUSINESS OF THE HOUSE**Order of Business**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [7.30 p.m.]: For the information of members, the Attorney General will speak in reply to the Criminal Case Conferencing Trial Repeal Bill 2011 and then the House will deal with the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill and the Real Property Amendment (Public Lands) Bill 2012.

CRIMINAL CASE CONFERENCING TRIAL REPEAL BILL 2011**Agreement in Principle**

Debate resumed from an earlier hour.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [7.32 p.m.], in reply: I thank members for their contributions to this debate (including the members for Liverpool, Myall Lakes, Wollondilly, Campbelltown and Charlestown) on the Criminal Case Conferencing Trial Repeal Bill. I want to address some matters that have been raised during the debate by the member for Liverpool, who suggested that the scheme was being concluded primarily for money reasons. That is very cynical of him and wrong. I supported the scheme, having seen it through when I was at the Office of the Director of Public Prosecutions in an earlier life.

I believed that it was going to work, but it did not. The Bureau of Crime Statistics and Research identified that the trial was of little to no success, and for that reason the decision was made to end the scheme. The bill provides for the repeal of the legislation that supported the trial of criminal case conferencing. Unfortunately, the trial did not deliver the benefits originally envisaged and, as such, it is appropriate to end it. The Government will continue to consider reforms which have the potential to ensure criminal trials run as efficiently as possible whilst maintaining fairness for the accused. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT (CHANGE OF NAME)
BILL 2012****Agreement in Principle**

Debate resumed from an earlier hour.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [7.33 p.m.], in reply: I thank members for their contributions to debate on the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012, including members representing the electorates of Liverpool, Camden, Cabramatta, Parramatta, Fairfield, Drummoyne, Bankstown, Granville, Tweed, The Entrance, Charlestown, Orange, Castle Hill, Myall Lakes, Keira, Wollondilly, Balmain, Port Stephens and Baulkham Hills. I want to address some particular matters that have been raised in debate by members. The Opposition has affirmed that it does not oppose the bill. I welcome the Opposition's support for the bill. The member for Liverpool, Mr Paul Lynch, who led for the Opposition, noted that there is a right of appeal for restricted persons in respect of a decision by a supervising authority to refuse to approve a change of name application.

The member for Liverpool concluded that "in a sense, this improves the position of restricted persons", as a change of name application would have previously been subject to the discretion of the registrar whereas under the bill restricted persons have a right of appeal of the equivalent decision of their supervising authority. With all due respect, this conclusion is misplaced for three reasons. Firstly, restricted persons must obtain the

approval of their supervising authority, and if approved they must then seek the approval of the registrar prior to registering a change of name. The requirement for approval of a supervising authority is in addition to, and not instead of, the general discretion of the registrar to refuse an application for a change of name. Therefore, restricted persons have an additional hurdle to overcome when compared with non-restricted persons.

Secondly, in the case of restricted persons, a supervising authority may approve a change of name only if it is satisfied that the change of name is "in all the circumstances necessary or reasonable". In contrast, a non-restricted person may change his or name for whatever reason, subject to limited exceptions—such as if the name change is for a fraudulent or improper purpose or the proposed name is a prohibited name. A restricted person clearly has a higher threshold to surmount than a non-restricted person. Finally, there is already a right of review to the Administrative Decisions Tribunal in respect of a decision of the registrar to refuse an application for a change of name by a non-restricted person under section 56 of the Births, Deaths and Marriages Registration Act 1995.

The member for Liverpool also noted that the criminal penalty imposed in respect of certain offences in the Births, Deaths and Marriages Registration Act 1995 is greater than that proposed in the bill. In response I note that the criminal penalty provisions in the bill are in addition to and not instead of those in the current Act. The offences are different, and the penalty in the bill reflects the nature of the offence. The penalty attached to the offence of making an unauthorised application in the bill is consistent with the penalty currently imposed in respect of unauthorised change of name applications by registrable persons under the Child Protection (Offenders Registration) Act 2000.

I now turn to comments made by the member for Bankstown, Ms Tania Mihailuk. The member for Bankstown has asked me to address whether I would consider extending the restrictions in the bill that apply to former serious offenders beyond the 10 year period in certain circumstances, such as where a person is on the Child Protection Register. I advise the member for Bankstown that the bill already extends change of name restrictions beyond the 10-year period in certain circumstances, including where a person is on the Child Protection Register. If a person is on the Child Protection Register—namely, if they are a registrable person under the Child Protection (Offenders Registration) Act 2000—they are required to obtain the approval of the Commissioner of Police prior to applying to change their name under part 3A of that Act.

These restrictions apply so long as a person remains a registrable person, regardless of how long it has been since the person was released from jail. An adult can be placed on the Child Protection Register for eight years, 15 years or a lifetime, depending on the severity of the offence or offences that he or she committed. For the avoidance of doubt, schedule 2.2 of the bill amends the Child Protection (Offenders Registration) Act to specifically state that the restrictions in the bill are in addition to the requirements in that Act. Secondly, the bill extends change of name restrictions to serious sex offenders who are subject to supervision orders under the Crimes (Serious Sex Offenders) Act. The Supreme Court may make such an order if it is satisfied to a high degree of probability that an offender poses an unacceptable risk of committing a serious sex offence if he or she is not kept under supervision.

In those cases the bill provides that the Commissioner of Corrective Services, as the relevant supervising authority, must first approve of the application for a change of name. Again, this restriction will apply regardless of the length of time since an offender's release from jail for as long as he or she is subject to such an order. Finally, the change of name restrictions applying to former serious offenders will be extended if a former serious offender commits another offence attracting a custodial sentence within the 10-year period since his or her release. In this case the restrictions will be extended for another 10 years from the date that offenders complete their subsequent sentence.

I now address a comment made by the member for Keira. He asked why change of name restrictions for former serious offenders last for only 10 years. If a former offender has done his or her time and successfully rehabilitated into society, he or she should not be punished indefinitely. Evidence shows that recidivism rates drop off sharply the longer a person continues without reoffending. The 10-year period is consistent with the approach taken under the Criminal Records Act 1991, which provides for a 10-year crime-free period before a conviction can become spent. However, as I have already indicated in my response to comments made by the member for Bankstown, there are several circumstances in which change of name restrictions can extend for more than the 10-year period where appropriate. I also note that the proposed restrictions in relation to former serious offenders go further towards ensuring the safety of the community than those adopted in any other jurisdiction in Australia.

The member for Keira has also suggested that a change of name would wipe the slate clean for a former serious offender who had not committed another offence attracting a custodial sentence within 10 years. In circumstances where it is necessary to find out whether a person has a criminal record, such as for the purposes of employment, a criminal record check will reveal all previous names and known aliases. Criminal record checks are mandatory in some circumstances, such as when performing working with children checks in relation to child-related employment. I now turn to comments made by the member for Balmain. He indicated that he supports the bill but asked how people will be made aware of the proposed offence of making an unauthorised application in order to prevent accidental breaches of the law. That matter will be addressed at the implementation stage and it is not appropriate to prescribe it in legislation.

This bill will strengthen change of name restrictions on inmates, parolees, remandees, forensic patients and serious sex offenders. These people will be required to obtain the approval of their supervisory authority prior to applying to the Registrar of Births, Deaths and Marriages to change their names. This proposal is consistent with the approach adopted in respect of registrable persons under the Child Protection (Offenders Registration) Act. The supervisory authority may approve an application for a change of name only if it is necessary or reasonable in all the circumstances. The bill also provides that the supervisory authority must not approve of the application in certain circumstances, such as where the name change would be reasonably likely to be regarded as offensive by a victim of crime or an appreciable sector of the community, or to be used to further an unlawful activity or purpose.

Furthermore, the bill will extend change of name restrictions to any serious offender after he or she finishes a prison and parole term. The restrictions will continue for 10 years after a serious offender completes his or her sentence unless he or she commits another offence attracting a custodial sentence, in which case the restrictions will be extended. In such cases the Registrar of Births, Deaths and Marriages will be required to obtain the approval of both the Commissioner of Corrective Services and the Commissioner of Police prior to registering the change of name. The proposed restrictions will prevent improper name changes by offenders, facilitate the effective supervision of offenders in custody and in the community, and protect the interests of victims of crime. 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.

NOXIOUS WEEDS AMENDMENT BILL 2012

Agreement in Principle

Debate resumed from 23 February 2012.

Mr RICHARD AMERY (Mount Druitt) [7.46 p.m.]: The Opposition supports the Noxious Weeds Amendment Bill, which amends the Noxious Weeds Act 1993 and implements reforms recommended after the completion of a statutory review that commenced in 2010. The objects of the bill as outlined in the overview and as detailed by the Legislation Review Committee report on it are:

to amend the Noxious Weeds Act 1993 (as a consequence of a recent statutory review of the Act) as follows:

- (a) to revise certain of the objects of the Act,
- (b) to clarify the land in relation to which a plant is a noxious weed,
- (c) to enable the Minister to regulate or prohibit the bringing of noxious weed material into NSW,
- (d) to enable local control authorities to require owners of land subject to a weed control order to provide details of the occupiers of the land,
- (e) to extend control measures in relation to agricultural machines to machinery and equipment,

- (f) to extend provision for border inspections of agricultural machinery from Queensland to machinery or equipment entering NSW from anywhere in Australia,
- (g) to enable the Minister to grant exemptions from certain provisions of the Act in relation to Class 2 noxious weeds that are notifiable only on Lord Howe Island,
- (h) to extend certain powers of inspectors to deal with noxious weed material so as to enable them to deal with (including to take samples, photographs or video recordings of) any thing they reasonably suspect to be or to contain noxious weed material,
- (i) to make it clear that the functions of local control authorities under the Act may only be delegated under the Act,
- (j) to make other minor or consequential amendments (including standardising terminology and providing for matters of a savings or transitional nature).

I lead for the Opposition in this debate. The shadow Minister for Agriculture, the Hon. Steve Whan, will contribute to debate on the bill in the other place. Debates about noxious weeds always attract attention and members often make humorous comments about the fuss that they generate. That amusement is often the result of the names that have been given to common weeds through the ages. Names such as prickly pear, parthenium weed, St Johns wort, golden dodder and Paterson's curse often draw comments—sometimes humorous—when they are raised in parliaments and in rural forums. As members from rural areas and the outskirts of Sydney know, noxious weeds are no laughing matter; they are a serious problem that costs taxpayers millions and farmers many more millions of dollars in lost production. They have spread almost everywhere, from national parks to Crown lands owned by virtually every government department, to our waterways and to urban areas.

Noxious weeds have defied scientists and governments at all levels and have resisted the most determined efforts to eradicate or even control them to an acceptable level. The twentieth century, with its more mobile population and the importation of machinery and produce, saw a dramatic increase in the rate of weed infestation in Australia and in this State. In some cases weeds were introduced as ornamentals by people who did not understand the impact of such plants on the Australian landscape. Paterson's curse was such a plant. It quickly escaped into the countryside and has caused untold problems for farming communities, which in turn have had to battle with apiarists who like the plant because it benefits their industry. By the 1980s governments and industry started to recognise that control mechanisms had to be reviewed. As a result, control was taken away from local government and vested in a Minister of the Crown. In 1993 the then Minister for Agriculture, the Hon. Ian Armstrong, introduced the bill that subsequently became the Noxious Weeds Act, which this bill amends. Speaking in this place on 2 March 1993, Mr Armstrong said in part:

The bill draws heavily on the noxious plant provisions of the Local Government Act, which have operated for many years... This will ensure that one Minister has control over all activities in the State concerned with noxious weeds...

The Act gave the Minister sweeping powers to declare weeds noxious, to provide funding to county councils for weed control and to require landholders to control weeds on their property—to name just a few of its provisions. Funding was increased in 1993 to a total of \$5 million, which represented an increase in the State Government allocation from previous budgets. The 1993 Act—apart from its worthwhile provisions—brought the issue of noxious weeds to the attention of members of this Parliament, in some cases for the first time. The result was that noxious weeds became a political issue and were part of the political battles between the parties, all trying to do one better than the opposition. Rural communities were aware of this fact and noxious weeds became part of submissions and media comment, particularly in the rural media.

In 1995 I was appointed as the Minister for Agriculture. Only days after the new Government was sworn in Premier Bob Carr—who has had some attention this week and who was in the confines of this Parliament—took me, other members of Cabinet and the Minister for Land and Water Conservation on what was then called a drought tour of the State. Members will recall that in the mid-1990s this State was subjected to a drought that had been compared to droughts going back to the earliest part of the twentieth century. There we were, three metropolitan Ministers, hearing from farmers about drought assistance, fodder subsidies and the like. One of the subjects raised was that the \$5 million to which I just referred which was allocated as part of the 1993 package by Minister Armstrong had not been increased and farmers asked the Labor Government to increase it. I went back to the Department of Agriculture and was told that the impact of noxious weeds on the State was at least \$600 million, with some estimates as high as \$800 million. The impact of noxious weeds on the whole country was estimated to be billions of dollars.

I prepared a submission to the budget committee which I am pleased to say resulted in an increase in funding of a further \$1 million and the Government adopted a policy of increasing the weeds allocation in

accordance with the consumer price index at each subsequent budget. In answer to a question on notice asked by me in 2004 the then Minister advised me that the weeds funding had increased from 1995 to 2004 by some 48 per cent. It is interesting that the Minister for Primary Industries, and Minister for Small Business introduced this bill, as she was one of The Nationals who raised the issue of noxious weeds on many occasions. I recall that serrated tussock was the main issue for members of Parliament from the southern parts of the State, such as the current Minister for Primary Industries, who represented and who still represents the electorate of Burrinjuck. Parthenium weed—a weed which spread from Queensland—was always on the agenda of members from the northern electorates.

It seemed that every member had a weed problem for which they wanted funding and about which they wanted to talk. As a result members were talking about Bathurst burr, St John's wort or the various species that are classified under the general term "woody weed" in the Western Division and which were keeping everyone busy. Government departments and Ministers were conscious of these issues. Of particular interest to many members of Parliament was the effort that was being put in to ensure proper weed control in national parks or on property owned by what was termed Pitt Street farmers, or people who owned a rural block that was used only for family holidays in school holiday periods or at weekends. Neighbouring farmers were quick to bring to attention properties that were neglected by their owners. As a result of all this activity the trials and errors of enforcement and the changes to technology, the 2010 review was commenced. Stakeholders were supportive of amendments, and it is pleasing to see that this bill addresses many, if not all, of those issues.

The Opposition supports this bill but will keep a watch on the yearly funding for noxious weeds. As I indicated previously, the former Labor Government recognised the issues raised by Coalition members when in opposition. Under the Noxious Weeds Act 1993 and the various regulations and amendments that followed that Act it is a requirement for private landholders and farmers to control noxious weeds. There has been criticism from rural communities that noxious weed control is not as strong in railway corridors, national parks and other land owned by the Crown and by various government departments. Through this legislation we must address the control and management of noxious weeds on Crown land in this State. The commitments of the Labor Government and the current Coalition Government are no different when it comes to controlling and managing noxious weeds in this State. Members on both sides of the House have worked well with stakeholders to ensure an adequate level of funding for noxious weed control.

The Opposition will be watching to ensure that the noxious weed budget is increased in line with the consumer price index, as that would be consistent with past practice. In addition I request the Government to address the issues raised by Labor members and by Coalition members when in opposition concerning noxious weed control on Crown estates and in national parks. In 2005 the member for Lismore, Mr Thomas George—our present Deputy-Speaker—referred to noxious weed control on Crown lands on the North Coast of New South Wales, an issue that will be monitored by the Opposition. I indicated earlier that the shadow Minister for Agriculture, the Hon. Steve Whan, will lead for the Opposition in debate on the bill in the Legislative Council, but the Labor Party caucus has already recommended that the legislation not be opposed.

I refer to an excellent publication by Daniel Montoya from the New South Wales Parliamentary Library Research Service entitled "Noxious Weeds Briefing Paper No 02/2012", which cites the legislative requirements in this State and around Australia and the impact of noxious weeds on various farming communities and the like and reports on a fairly in-depth study of noxious weed control. The publication contains a substantial list of the scientific and common names of many noxious weeds which pose a problem in various parts of New South Wales and Australia. It is important to note, and this legislation recognises, that a noxious weed that might be a problem in the northern part of the State might not be a problem in the southern part of the State. For example, parthenium weed has been the subject of a substantial investment of funds by the Government and the Department of Primary Industries, which was formerly the Department of Agriculture.

Parthenium weed grows on the border between New South Wales and Queensland and infests the northern parts of New South Wales. There have been a few outbreaks in the central and southern parts of the State but those are considered to be isolated cases brought about by a vehicle or holidaymaker spreading seed on return to New South Wales. Resources are now being targeted at controlling parthenium weed in the northern part of the State. Serrated tussock has always been a problem in the southern parts of New South Wales. I do not know whether authorities will continue to call serrated tussock a noxious weed as it is incredibly difficult to control. I have been to Cooma, spoken to members of a task force established to find ways of controlling serrated tussock, and presented some awards to people down there. I wonder whether the battle against serrated tussock will be abandoned one day. Its seeds can be carried on the wind and for some years it has been progressively moving north.

I notice that it is not getting much of a mention these days and I wonder whether it will be considered a noxious weed in the future, mainly because it is impossible to control. I recall the Minister for Primary Industries, and Minister for Small Business referring to the chemicals that were used for the control of that weed and the problems experienced in the late 1990s and in the first decade of this century by the manufacturer of the herbicide Frenock. The manufacturer stopped making that chemical, which concerned the Minister for Primary Industries because this weed was causing a major problem in south-western New South Wales. Over time hundreds of weeds from various sources have been introduced into this country. These have had a major impact on the farming community and the taxpayers of New South Wales, if not nationally. I foreshadow that the shadow Minister for Resources and Primary Industries will speak further in debate on this bill in the other place. The Opposition supports the bill.

ACTING-SPEAKER (Mr John Barilaro): As the member for Monaro I can inform the House that serrated tussock continues to be a problem.

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [8.00 p.m.]: It is with great pride that I speak in favour of the Noxious Weeds Amendment Bill 2012 both as the member for Dubbo and as the Parliamentary Secretary for Natural Resources. I welcome the contribution made by the former Minister, the member for Mount Druitt, in which he detailed an extensive history of the challenges faced by both Labor and Coalition governments in response to noxious weeds. I also thank him for indicating that the Opposition will support the bill. I can assure the member for Mount Druitt that both Minister Hodgkinson and Minister Parker have an interest in all land and water management issues, of which noxious weeds form a critical part. That commitment has been demonstrated by the establishment of the New South Wales Land and Water Panel, which has hit the ground running. A weeds task force has been formed, which communicates with the Noxious Weeds Advisory Committee [NWAC] in an effort to unravel many of the issues confronting local authorities in the management of and strategic response to noxious weeds.

Australia has a long history of coordinated weed control and it continues to protect the land from a range of agricultural, environmental and aquatic weeds. In New South Wales responsibilities under the Noxious Weeds Act 1993 for the control of weeds are assigned to landholders, occupiers of land, local control authorities, the State Government and the Minister for Primary Industries. The Act empowers the Minister to declare problem weeds as noxious in a specified area or areas and to assign a control class to them. In practice, the area where a weed is declared is usually defined by reference to local government areas. The Act clearly places the responsibility for noxious weed control on the occupier of the land, who may or may not be the owner of the land. In accordance with the requirements of the Act, occupiers of land subject to a weed control order must control noxious weeds on their land. A local control authority is responsible for, amongst other things, ensuring that owners and occupiers of land carry out their obligations under the Act.

It can often be difficult and time consuming for local control authorities to determine who the occupier is. Land occupation can be a complex matter. All or parts of a parcel of land may be subject to a range of agreements, leases, share arrangements and multiple occupancies—for example, where part of a farm is leased to someone else in the case of share cropping agreements and cooperative ventures. It is reasonable that the local control authority should be able to require a landowner to tell it who the occupier is and therefore who is responsible for managing noxious weeds on that part of the property. The bill proposes that the Act be amended so that local control authorities can require private landowners to provide the name and contact details of the occupier of their land as well as a description of the land occupied by that person. Compliance with such a request will be mandatory. The maximum penalty for non-compliance will be \$2,200. Under the Act public authorities are already required to give local control authorities the name and contact details of the occupier of land owned by the public authority.

The bill will amend the Act to require public authorities also to provide local control authorities with a description of the land that is occupied. This will provide better information to the local control authorities as well as ensuring greater consistency within the Act. These amendments will provide a real cost savings in time and money. Local control authorities, often the local council or sometimes county councils as an amalgamation of councils who take on the shared responsibility, will have an increased ability to fulfil their functions efficiently under the legislation. This and the other proposals within the bill can only improve noxious weed management in New South Wales, in addition to the work being carried out by the New South Wales Land and Water Advisory Panel in close concert with the Noxious Weeds Advisory Committee. The Government will continue to consult with the communities that have helped bring about amendments to this legislation. Solutions will be found and the coordination of strategies for weed management will be improved. This is a great start to achieving those objectives. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [8.06 p.m.]: I speak in support of the Noxious Weeds Amendment Bill 2012. One generally thinks of weeds as those annoying plants that grow in one's garden, but the control of noxious weeds is of major concern to all regional members. Weeds are a major cause of land degradation, habitat modification and productivity loss. Over 2,500 introduced plants are now established in the wild. Approximately 20 new species are found growing in Australia every year. The cost of weed control to agriculture nationwide each year equates to building 1,000 new primary schools, 60 general hospitals or over 400 district hospitals, or 1500 nursing homes. This does not include the costs associated with the impact of weeds on biodiversity, landscape, tourism, industries, water and other assets, and human health.

Parthenium weed is regarded as one of most serious weed threats to New South Wales. It is a vigorous coloniser of bare ground, degraded pastures and disturbed sites. It is a fast-growing annual plant with prolific seed production and, once established, it is difficult and expensive to eradicate. Parthenium weed contains powerful allergens that cause a range of human health problems—this is where we start to see the social aspect of it—including asthma and severe contact dermatitis in sensitised individuals. It is a threat to agriculture because it is unpalatable to livestock and competes with pastures and crop seedlings. Livestock carrying capacity is significantly reduced in areas where it becomes established. It also adds to weed control costs for grain producers. Not only is there a major cost in maintaining and eradicating noxious weeds, particularly parthenium weed, but the cause and effect of the weed on humans is severe and needs to be managed, as we do with cattle and grain. But there is good news.

Mr Christopher Gulaptis: Tell us.

Mr KEVIN ANDERSON: I am happy to inform the House that New South Wales has an enviable record against our opponent. A total of 51 parthenium weed outbreaks have been detected and eradicated on New South Wales farmlands since the first outbreak in 1982 and more than 700 outbreaks have been detected and eradicated on roadsides since 1982. Parthenium weed is a highly invasive weed, found mainly in Queensland, which has eight million hectares of the weed. It can germinate, grow, mature and seed set within four weeks. The trouble with parthenium seeds is that they are spread easily by machinery vehicles, stock or even in fodder.

I have been advised that as recently as this month an outbreak of parthenium weed was detected in the Riverina, which is a long way south of the main outbreaks in Queensland, and along the eastern seaboard. Largely due to this Government's early detection measures, this outbreak has been addressed effectively. I congratulate the Department of Primary Industries and its staff on maintaining the fight against parthenium weed. Queensland's control costs and production losses associated with parthenium weed are estimated to be more than \$22 million a year. It is an incredible amount to spend on fighting weeds, but weeds are destructive and weed control is important. Therefore, a coordinated and strategic response is required.

This bill introduces an important amendment to help reduce the risk of weeds such as parthenium spreading into New South Wales from Queensland and other jurisdictions. The provisions in the Act regulating movement of machinery into New South Wales are limited to certain agricultural machines brought into New South Wales from Queensland. Grain harvesters, comb trailers, grain harvesting bins, augers and associated transport and pilot vehicles are the only agricultural machines currently subject to such regulation. Members know that other types of machinery and equipment that have a high potential to spread parthenium weed and other weeds move from Queensland into New South Wales.

Since 26 March 2011 the Government has introduced common sense into debate on many critical issues, and the commonsense approach in this legislation is to amend section 31 to apply to any machinery and equipment, not just agricultural machinery and equipment, brought into New South Wales from any State or Territory, not just from Queensland. This will provide for machinery and equipment assessed as high risk to be declared by ministerial order to be subject to the requirements of section 31 of Act and therefore subject to certain cleaning and border inspection requirements before they can be brought into this State. It will cover all machinery, not just agricultural machinery.

Inspection powers under section 32 of the Act will be extended to apply to machinery and equipment in general, not limited to agricultural machines, particularly having regard to the level of cross-border activity. Similarly, inspectors' powers in section 40 of the Act will be extended in this bill to apply to machinery and equipment in general. Specifically, inspectors will be empowered to require the removal of notifiable weed material from any machinery or equipment if the inspector reasonably suspects that any notifiable weed material is or may be present in that machinery or equipment. Parthenium is a weed of national significance that has the

potential to thrive in New South Wales. It is an aggressive, fast-growing annual weed with prolific seed production that can spread quickly on bare or disturbed ground. Once established it is difficult and very expensive to eradicate.

The Government has launched a new strategy to prevent parthenium—a harmful, invasive weed endemic in Queensland—from establishing itself in New South Wales. Under the guidance of the New South Wales Parthenium Weed Taskforce, this strategy has been developed through extensive industry, community and expert consultation. It aims to prevent parthenium weed from establishing in New South Wales by keeping incursions to a minimum, controlling new outbreaks and ensuring the community is ready to respond. As part of the strategy the Department of Primary Industries will partner with local control authorities to find and eradicate new parthenium weed outbreaks before they can produce seed, which is critical. This work has been identified as a priority under the New South Wales Weeds Action Program.

Importantly, the strategy places equal importance on keeping the community informed of the potential threat, reporting suspected outbreaks and understanding how to identify parthenium weed. I suggest that members look at the examples of parthenium weed on the department's website. It is a pretty plant but it has some nasty undertones. Strong measures must be available to ensure that noxious weeds are managed to minimise their effect on the productive and natural resources of the State. The bill provides measures that will increase our collective ability to manage noxious weeds in an effective and efficient manner. I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [8.15 p.m.]: I am pleased to support the Noxious Weeds Amendment Bill 2012. The Noxious Weeds Act 1993 established various control, reporting and monitoring mechanisms for noxious weeds. The mechanisms are vital in the protection of environmental and agricultural assets in my electorate. The Myall Lakes electorate extends from the Yarratt State Forest and Manning Point in the north, down the Pacific Highway to Karuah Bridge in the south, from Booral in the west to the New South Wales coastline in the east, including the islands offshore. Many of the 70,000 people who live in my electorate depend on tourism for their livelihoods.

The region includes one of the State's largest coastal lake systems, which has been declared a Ramsar wetland of international importance. My electorate includes more than 40 kilometres of beaches, giant sand dunes and areas of forest. It includes the Manning River, which has the only delta system in Australia. My electorate has approximately 2,000 kilometres of sealed roads and 1,600 kilometres of dirt roads. The Myall Lakes, Wallis Lake and Smiths Lake and the mighty Manning River with its entrances and islands provide a truly wonderful playground and are the reason that the electorate of Myall Lakes is known as Destination NSW, the number one destination for holidaymakers. It is an idyllic place to live.

However, noxious weeds are a threat to the Myall Lakes regional economy and its environment. They must be controlled and managed adequately, and these amendments will help to underpin this control effort. High-profile aquatic weeds such as alligator weed, salvinia and cabomba are a real concern to the people of Myall Lakes and have already resulted in reduced water quality and had other impacts. In addition, widespread weeds such as bitou bush, lantana, fire weed and giant Parramatta grass are also placing pressure on environmental and agricultural assets. I note that the member for Parramatta is in the Chamber. He might have to explain later how the mighty Parramatta Eels got involved with Parramatta grass.

In many areas of the State alligator weed threatens commercial and recreational activities through accidental introduction in contaminated soil, propagation and sale as an aquarium plant. Cabomba can be a swimming hazard, can restrict navigation and recreational use of waterways, and can degrade water quality. The well-known bitou bush is also a major problem in the Myall Lakes region. It was planted widely along the New South Wales coast between 1946 and 1968 to reduce dune erosion. We all know now that this was a grave mistake. Bitou bush has spread rapidly and is now found along 80 per cent of the State's coastline. This weed reduces our coastal amenity and if left uncontrolled can completely overwhelm the vegetation on coastal dunes and their hinterlands. Lantana has spread over more than 16,000 hectares of the eastern Australian coastline. It has been estimated that graziers spend more than \$17 million a year on lantana control.

The amendments to the Act will provide strong measures to ensure that noxious weeds in New South Wales are managed to minimise their effect on the productive and natural resources of the State. Amendments are proposed to improve the operational efficiencies of inspectors. At present inspectors can be appointed under several pieces of legislation, which creates administrative difficulties. The bill will streamline and simplify delegation functions under the Act by ensuring that inspectors can only be appointed under the Noxious Weeds

Act. The bill also will give inspectors greater powers to question people. The amendments will require that questions be answered where the inspector reasonably believes that the answer may assist with tracing the source or destination of noxious weeds. It is interesting that inspectors can require people to answer their questions. During the deliberations of the Legislation Review Committee that point was discussed.

Dr Geoff Lee: An excellent committee.

Mr STEPHEN BROMHEAD: It is a great committee. Everything is well researched, which is why the meetings pass so quickly.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Is the member for Parramatta declaring an interest?

Dr Geoff Lee: I give up.

Mr STEPHEN BROMHEAD: Requiring answers to questions goes against the normal right to silence: a person can remain silent if they believe they are about to incriminate themselves. Under this legislation people will no longer have that right. That provision is included in the bill because noxious weeds are such an impost on the economy and the amenity throughout New South Wales. That part of the legislation shows the Government's determination to do something about noxious weeds. Under the proposed amendments the local control authority, by written notice, will be able to require a private landowner whose land is subject to a weed control order to provide the name and contact details of the occupier of the land and a description of the land. This amendment will provide the local control authority with a mechanism to distinguish between land occupier and landowner, and ascertain who is legally responsible for the control of weeds.

The bill proposes a new ministerial power to prohibit or regulate the bringing into New South Wales, or a specified part of New South Wales, noxious weed material. The bill strengthens the objectives of the Act to provide greater consistency with the New South Wales Invasive Species Plan, and provides a more realistic measure of weed control programs in the State. It allows the Minister, by order, to prohibit or regulate the bringing into New South Wales, or part thereof, of noxious weed material or anything else that the Minister considers is likely to introduce noxious weed material into New South Wales, or part thereof. It imposes a maximum penalty of \$11,000 for failing to comply with such an order. The bill reduces the risk of noxious weeds spreading into New South Wales by extending the power to make movement controls, which currently apply to certain agricultural machinery from Queensland, to a broader range of machinery and equipment coming into New South Wales from any State or Territory, and expanding the power of inspectors to include machinery and equipment in general.

The bill extends the powers of inspectors but only in relation to dealings with noxious weed material to allow them to examine, take samples, photographs or videos, and seize, detain, remove or destroy suspected noxious weed material. This will provide improved investigation, management, identification and trace-back of suspected noxious weed material. The inspectors have powers of entry to property and those powers remain unchanged. The bill allows the Minister to exempt or limit the operation of certain provisions of the Act in relation to species declared as noxious weeds on Lord Howe Island so they do not apply to mainland New South Wales, and allows the local control authority to require a landowner to provide details of the land occupier, including contact details and details of the land. As I said, these amendments to the legislation will improve the powers and, therefore, will improve my electorate of Myall Lakes, which suffers from a number of different weeds. Through this legislation we will be able to better control those weeds and improve the economy, tourism and amenity of Myall lakes. I commend the bill to the House.

Mr ANDREW GEE (Orange) [8.25 p.m.]: I support the Noxious Weeds Amendment Bill 2012. I commend the previous speakers. In particular I commend the member for Mount Druitt for his constructive contribution to debate on this bill.

Dr Geoff Lee: And the member for Parramatta.

Mr ANDREW GEE: I also commend the member for Parramatta for no other reason than he just asked me to do so.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Who is responsible for Parramatta grass?

Mr ANDREW GEE: I will not make any gratuitous mention of the Parramatta Eels in this speech. The bill is an important step forward in the management and elimination of noxious weeds in New South Wales, and the Central West in particular. The bill brings in new regulatory powers to help minimise the risk of new weeds establishing in this State and to enable authorities to deal with the threat of weeds more expeditiously than they were previously able to do. As regional members know, the control of noxious weeds is a vital issue in regional New South Wales. The threats posed by noxious weeds are real, but all too often they are forgotten by those who live in urban areas.

Last year I was fortunate to go on a tour of weed-affected areas in Mudgee. I was accompanied by Mr John Naismith, who undertakes contract weed spraying for mid-western regional councils. On that afternoon he showed me how difficult it is to control noxious weeds, and Saint John's wort in particular, in rural New South Wales. As the member for Mount Druitt mentioned, Saint John's wort is a weed that threatens many properties in regional New South Wales. One Saint John's wort plant can produce 30,000 seeds and these sticky seeds are spread by animals. The seeds can remain viable in the ground for 20 years or more. Early detection and treatment before plants set seed is critical.

Unfortunately the window for treatment is small; the plants are difficult to find until their yellow flowers start to appear and then it is a matter of only two or three weeks before the seeds mature. For the information of members who are not aware of the effect of noxious weeds, Saint John's wort contains the toxin hypericin, which causes photosensitisation in sheep, cattle, horses and goats. It leaves weeping sores on livestock, particularly around legs and noses. The skin damage associated with this problem leads to weight loss, reduced productivity and in extreme cases death. Saint John's wort also adds vegetable fault to wool. It also competes with useful plants in pastures, and large infestations reduce property values. Weeds like Saint John's wort can be immensely damaging, so it is vital that they be brought under control.

A feature of this bill relates to a new ministerial power to prohibit or regulate the bringing into New South Wales or a specified part of New South Wales of noxious weed material or anything else that the Minister considers likely to introduce noxious weed material into New South Wales or a specified part of it. The bill enables the Minister, by order, to prohibit or regulate the bringing into New South Wales of noxious weed material. Failing to comply with these orders carries a maximum penalty of \$11,000. This amendment is about protecting New South Wales producers and the environment from the unnecessary introduction of weeds to this State. Currently, occupiers of land are legally required to control noxious weeds if that land is subject to a weed control order. However, the occupiers of land are not always the landowners.

A feature of this bill is that it provides a mechanism by which local control authorities have the power to require a landowner whose land is the subject of a weed control order to provide details, including the name and contact details of the occupier of that land. Failing to comply with such an order is an offence carrying a maximum penalty of \$2,200. Under the Act public authorities are already required to notify the local control authority of the name and contact details of occupiers, but under this bill they will also be required to provide a description of the land that is occupied by each occupier. More information will be required under this bill. The bill also seeks to reduce the risk of noxious weeds spreading into New South Wales through agricultural machinery. Under the Act certain agricultural machines subject to an order must be produced for inspection at the border of Queensland and New South Wales.

The bill provides that an order can apply to machinery and equipment more generally and is not restricted only to agricultural machines. Such an order can apply also to machinery and equipment coming into New South Wales from any other State or Territory, not just Queensland. The bill also significantly enhances the powers of noxious weed inspectors. Under the Act the powers were insufficient to allow an effective investigation, management, identification and trace-back of what is suspected to be noxious weed material. Immediate identification of weed material can be difficult. Materials such as leaf material in fodder, seeds in contaminated grain, floristry material such as branches with leaves or spines, bare plant branches, seeds removed from the fruiting body and fruit attached to a plant may need to be propagated to allow definitive identification. These amendments will provide for more effective investigation, management, identification and trace-back of what is suspected to be noxious weed material.

The Act currently states that inspectors can require people to answer questions only if they reasonably believe it will enable them to trace the source or destination of actual noxious weed material. It does not require questions to be answered in relation to suspected noxious weed material. Also, the power is limited to situations where the inspector reasonably believes the answer may enable the source or destination to be traced. The bill extends this power to situations in which the inspector reasonably believes the answer may assist with the

tracing of the source or destination of the material in question. Furthermore, the bill will amend the Act to allow inspectors to examine, take samples, photographs or video recordings of or seize, detain or remove anything in or about those premises that the inspector or authorised officer reasonably suspects to be noxious weed material or to be vegetable matter or any other thing containing noxious weed material.

It also empowers inspectors to remove or destroy or cause to be removed or destroyed anything in or about those premises that the inspector or authorised officer reasonably suspects to be noxious weed material or to be vegetable matter or any other thing containing noxious weed material. As I said at the outset, the control of noxious weeds is a very important issue in central western New South Wales. Nothing infuriates responsible landowners more than spending a great deal of time and money controlling noxious weeds only to have less responsible landholders and occupiers facilitate their spread by failing to do their part in control and management. The bill represents important progress in the control of noxious weeds in New South Wales. I commend the Minister for Primary Industries, Katrina Hodgkinson, for introducing the bill and I certainly commend it to the House.

Mr CHRISTOPHER GULAPTIS (Clarence) [8.33 p.m.]: I am pleased to support the Noxious Weeds Amendment Bill 2012 and I am also pleased that the Opposition is supporting the bill. Many weeds that we in the country are trying to eradicate are often cultivated by our city cousins. The bill will help educate people about the cost of weeds and assist in their eradication. Weeds are a major contributor to land degradation not only in New South Wales but also nationally. In my electorate of Clarence, which encompasses an area in excess of 13,000 square kilometres, we have more than our fair share of noxious weeds. They come at a huge cost to farmers, councils, the environment and the State Government. A report published in 2005 by the Cooperative Research Centre for Australian Weed Management placed the national cost of weeds at about \$4 billion annually.

The recent flooding across most of New South Wales will help spread weed infestation across the State, adding to our already high flood reparation cost. The \$4 billion annual cost does not include the cost to the environment or the impacts on lifestyle and recreational activities. The community of New South Wales bears a proportionate share of this cost. We need strong measures to ensure that noxious weeds in New South Wales are managed to minimise their effect on the productive and natural resources of the State. The bill provides measures that will increase our collective ability to manage noxious weeds in an effective and efficient manner.

The New South Wales Government is excited to be a part of the rollout of the \$8.7 million Weeds Action Program, which replaced the localised noxious weeds grant program, which is focused on achieving the outcomes of the NSW Invasive Species Plan. It is about delivering weed grant funds to areas of highest priority so we can achieve our goals. This program has provided a more strategic and coordinated approach to weed management in New South Wales. Great results have been achieved as a result of a partnership between local government and the NSW Department of Primary Industries in dealing with the first outbreak of tropical soda apple in Australia near Kempsey in 2010. In my electorate of Clarence property owners were put on alert after an infestation of the highly invasive weed tropical soda apple was found at Grafton only weeks after its first Australian discovery. This noxious weed, which has the ability to invade pastures quickly, was found at the Grafton saleyards and at a property in the valley in the recent past.

Tropical soda apple is native to Brazil and Argentina, and has wreaked havoc in several States in the United States. The weed was primarily dispersed through livestock or wildlife feeding on the mature fruit, which can contain 200 to 400 seeds each, and through birds dispersing seeds. There is no registered herbicide to control the weed, but any control of isolated plants should include the removal of fruit for collection and disposal. This incursion has been a timely event to test our combined resources under the New South Wales Invasive Species Plan and the implementation of the NSW Weeds Action Program. The New South Wales Department of Primary Industries developed a world-first tracing process to locate outbreaks of the weed across New South Wales, Queensland and Victoria using the National Livestock Identification System [NLIS], a cattle tracing system.

Using this system to trace stock movements allowed biosecurity staff to identify high-risk properties and pathways across New South Wales, Queensland and Victoria. Fifty-eight local government areas across the State were identified for targeted surveillance and the weed was found on one property near Holbrook, then one near Tamworth. By using a system normally reserved for animal pests and diseases, eradication of the tropical soda apple infestation at both locations was achieved before the weed could become established. This result is a tremendous win for local government weed managers and cattle producers, and for New South Wales. It

allowed them to eradicate outlying populations before they became too expensive and impractical to control. Local governments must be congratulated on their remarkable efforts in controlling the infestations. Despite the difficult terrain, hard-to-access areas and floods, they have had a huge impact on the infestation to date.

This response shows us that effective weed management is possible when we work together. The Department of Primary Industries continues to equip and train noxious weed control officers to identify and treat high-risk cattle handling facilities across the State, such as abattoirs and saleyards. At a State level the NSW Weeds Action Program is also delivering results. In my electorate of Clarence, the Clarence Valley Council and the Northern Rivers Catchment Management Authority are involved in an extensive regeneration project which will involve weed control, revegetation, educational awareness activities and monitoring the foreshore reserve ecosystems in the Minnie Water and Brooms Head areas.

The weeds to be targeted include bitou bush, lantana, senna, asparagus vine and glory lily, amongst others. After the weeds are dealt with, the council plans to plant a range of quick-growing, endemic native plants to assist the area to regenerate. Council crews and members of local Dunecare-Landcare groups will provide the main push against weeds. The Noxious Weeds Amendment Bill proposes a number of changes to the Act that will allow noxious weed control officers to do their jobs more effectively. It will save the State money and will be of great benefit to farmers, to the environment and to our local community generally. I commend the bill to the House.

Mrs TANYA DAVIES (Mulgoa) [8.41 p.m.]: I support the Noxious Weeds Amendment Bill 2012. The Noxious Weeds Act 1993 defines the roles of government, councils, private landholders and public authorities in the management of noxious weeds. The Act sets up categorisation and control actions for the various noxious weeds, according to their potential to cause harm to our local environment. The objects of the Act are:

- a) To reduce the negative impact of weeds on the economy, community and environment of this State by establishing control mechanisms to:
 - i) prevent the establishment in this State of significant new weeds, and
 - ii) restrict the spread in this State of existing significant weeds, and
 - iii) reduce the area in this State of existing significant weeds;
- b) To provide for the monitoring of and reporting on the effectiveness of the management of weeds in this State.

A statutory review of the Act confirmed that, in general, the policy objectives of the Act remain valid and its terms remain appropriate for securing those objectives. The review report recommends some amendments to improve the effectiveness of the Act. The review was informed by 64 stakeholder submissions and its recommendations are supported by the Noxious Weeds Advisory Committee. The bill seeks to enhance the prevention of new weed entry into New South Wales and more effective weed management in New South Wales. The bill aims specifically to achieve the following objectives. First, it will tighten the objectives of the Act to better reflect current weed management policy objectives and invasive species policy. Second, it will provide for the Minister for Primary Industries, by order, to regulate or prohibit the bringing into New South Wales, or any specified portion of New South Wales, noxious weeds or noxious weed material or any produce, material or other thing which in the Minister's opinion is likely to introduce a noxious weed or noxious weed material into the State, or portion of the State, and provide an offence for failure to comply with such an order.

Third, it will reduce the risk of the spread of notifiable noxious weeds—all those weeds listed in weed control orders on the Department of Primary Industries website—by extending movement controls to a broad range of machinery and equipment, including those brought into New South Wales from other States or Territories and expanding inspectors' powers to include machinery and equipment in general. Fourth, it will provide a mechanism for the Minister to exempt or limit the operation of certain provisions of the Act in relation to species declared as noxious weeds of Lord Howe Island. Fifth, it will provide for a Local Control Authority to require a landowner to provide details of a land occupier, including details of the land.

Weeds are a major cause of land degradation, habitat modification and productivity loss. More than 2,500 introduced plants are now established in the wild. Approximately 20 new species are found growing in Australia every year. These weeds have significant economic, environmental and social impact for the State. Every year the cost of weed control to agriculture nationwide equates to the building of 1,000 primary schools, 60 general hospitals, 400 district hospitals or 1,500 nursing homes. That paints an extraordinary picture.

Noxious weeds, formally declared under the Noxious Weeds Act 1993, are a threat to agriculture, the environment, tourism, industries, human health and recreational opportunities such as rowing on the Nepean River which borders my electorate, an activity that I did for many years. Their impact on local biodiversity and waterways cannot be underestimated.

Information is gathered and monitored in accordance with local government areas. As Mulgoa traverses two local government areas of Penrith and Liverpool, information on weeds of significance for Mulgoa are obtained from the Hawkesbury-Nepean Catchment Weed Management Strategy 2007-11. There are 19 weeds of regional significance in the electorate of Mulgoa and there are 15 weed types that are identified in both Penrith and Liverpool council areas. Of those 15 types of weeds, six weeds out of a possible list of 20 weeds are classified as weeds of national significance. These include alligator weed, blackberry, bridal creeper, Chilean needle grass, lantana and salvinia.

The Office of Environment and Heritage conducts noxious weed management through several programs, including the New South Wales Threatened Species Priorities Action Statement. While government departments, catchment management authorities and local councils perform terrific work to reduce the spread of noxious weeds, the impact of the numerous voluntary bushcare and landcare groups is a necessary and critical component to the management and battle against noxious weeds. Within the electorate of Mulgoa, the Mulgoa Valley Landcare Group, which was formed in 1995, has been working tirelessly to restore the vegetation corridor along the 10-kilometre Mulgoa Creek boundary. The Mulgoa Valley Landcare Group includes regular volunteers Ralph and Lyndon Merton, Justine Vella, Adam Crossley, Jake Sultana and Kerry Spurrett. The group is led by the knowledgeable, passionate and dedicated leader Lisa Harrold. Lisa Harrold is a formidable environmental defender and an ally to our local community.

The Mulgoa Creek conservation corridor provides a vital link between areas of remnant native vegetation on both public and private property. It provides habitat for our wildlife and connectivity to support their movement. The work of the Mulgoa Valley Landcare Group is helping to restore the diversity of vegetation communities considered to be endangered in western Sydney. I had the pleasure of joining with the dedicated volunteers from Mulgoa Landcare on 24 September to assist in tackling the spread of periwinkle, privet and other weeds at Gow Park in the suburb of Mulgoa. A section of their monthly newsletter, which paints a picture of what Mulgoa Landcare Group and, I dare say, every other landcare and bushcare group in our State faces, states:

Our September Activity Day was held at Gow Park this month. We had 11 volunteers joining us for the morning. We divided in two groups, the more energetic team crossed the creek bank on the Beamer property to tackle the never-ending privet forest, while the more patient volunteers tackled some hard to manage ground cover called Periwinkle. This garden escape is posing some real management problems at Gow Park as it does not respond to selective herbicides and really can only be managed with Round-Up. Spray methods can't be used when this weed is growing amidst native grasses and ground covers—so the time consuming approach of digging it up stem by stem is the preferred management option at this stage. This might take us well into the next century at the rate we are going so here's hoping another round of funding comes our way soon.

One of the comments in the extract from the Mulgoa Landcare Group is that volunteer numbers are a challenge. Upon reviewing the Environment Restoration Plan 2005-09 of Liverpool City Council I found that the number of community members involved as regular volunteers is decreasing. In 2005-06 there were 113 volunteers, however by 2008-09 there were only 40. The bushcare officer at Penrith City Council reports that approximately 1,800 hours of voluntary work have been provided in the last financial year. This is a worrying trend, as the success of our noxious weed reduction activities relies heavily on volunteers. Being practically involved in directly helping the natural environment is a strong lesson that should be experienced by our schoolchildren.

And who knows whether this school experience may lead to sustained growth in the number of dedicated volunteers for our landcare and bushcare groups. I commend Nepean Christian School for its financial contribution of \$2,000 to Mulgoa Valley Landcare Group, as well as the involvement of students in an educational capacity. I urge other schools to investigate giving their students this practical, environmental, educational and volunteering experience. That is one main reason why I strongly support this bill, which is designed to enhance the prevention of new weed entry into New South Wales and deliver more effective weed management in our State.

I return to one specific aspect of the bill; that is, preventing the introduction of weeds into this State on agricultural equipment. Many years ago I had the joyful privilege of spending time living and working on a rural property at Temora in the beautiful electorate of Murrumbidgee. The farming family of Dale and Doreen Wiencke invited me to their property and I lived with them for many months, during which time I was exposed to the farming lifestyle. It was a wonderful experience and I learnt a great deal about what it takes to put milk

and bread on our supermarket shelves. I worked in the shearing sheds and on harvesters. Contractors take their harvesters and support machinery wherever work is available in Australia, so I saw firsthand how weeds are easily spread interstate. That is why these amendments are essential. I commend the Minister for Primary Industries, the Hon. Katrina Hodgkinson, for introducing this amendment bill. It will go a long way towards assisting us to tackle this extraordinary challenge. It will also give a boost to our landcare and bushcare groups in their tireless efforts to protect our natural environment. It also has the potential to give our young schoolchildren the opportunity to experience the environment, to protect it and to learn about volunteering in the community. I commend the bill to the House.

Mr GREG APLIN (Albury) [8.51 p.m.]: What do African lovegrass and tropical soda apple have in common? Members would be correct if they said they were both noxious weeds found in New South Wales. In tackling the requirement for new legislation to expand controls and processes for managing weeds, it is important to note that not all unwanted types of flora are caught by the Act. What might constitute a problem in one area does not automatically mean it will be proscribed everywhere. Noxious weeds are weeds that are declared by an order under the Noxious Weeds Act 1993. Further, a plant is a noxious weed only on the property or land identified in the weed control order. Many plants are weeds or problematic but only some will be classed as noxious weeds for the purposes of this legislation. These are plants that have a detrimental effect on or cause serious economic loss to agriculture or the environment, providing there is a reasonable and enforceable means of control and it is reasonable and practical for the council to enforce control.

My electorate of Albury extends from the townships of Henty and Laurel Hill in the north to the Murray River in the south and from the local government area of Corowa in the west to the Kosciuszko National Park in the east. More than 4.1 per cent of the population in the electorate work directly in the sheep, beef cattle and grain farming industries and many allied industries. Noxious weeds represent a significant biosecurity threat to the livelihoods of many people in my region. Of particular concern to me are aquatic weeds, including alligator weed, water hyacinth, orange hawkweed and tropical soda apple. Alligator weed threatens many catchments in New South Wales, including Woomargama in my electorate. It is introduced to catchments in many ways, including on excavation machinery used to clean channels, boats being transported between water bodies and accidental introduction in contaminated soil.

Woomargama has a small infestation of alligator weed in a dam and nearby creek that is currently being treated by the Department of Primary Industries and the local control authority. This weed is of significant concern because it contaminates grazing pastures and restricts stock access to drinking water. New South Wales's Barren Box Swamp infestation of alligator weed in 1994 could have cost irrigation farming in excess of \$250 million a year if it had not been controlled. More than \$3 million has been spent on an ongoing eradication program. Our region is also susceptible to incursions of orange hawkweed. This weed can hitch a ride on earthmoving equipment that has moved across the border from the Victorian Alps.

Hawkweed spreads easily and if it moves out of its current location, productivity of agricultural land will be reduced. Tropical soda apple, or the plant from hell, is another devastating weed. In 2011 the Department of Primary Industries used the National Livestock Identification System to trace cattle that had been on properties where tropical soda apple was known to exist. An incursion of the weed was found at Henty, 1,600 kilometres from its source on the North Coast. That outbreak was successfully destroyed as a result of this rapid tracing and identification. We must ensure that this weed does not have the same devastating effect here that it has had on the economy and environment in parts of the United States of America. Albury City Council is one local government authority in my electorate responsible for enforcing the Noxious Weeds Act. The council publishes a list of declared noxious weeds in its region. That list covers six pages of entries, which is one measure of the scale of the problem.

In 2010 one of the world's most notorious and economically destructive aquatic weeds was found in a private dam on a private residence less than 300 metres from the Murray River on the outskirts of Albury. Known as water hyacinth, or *eichhornia crassipes*, it can be an ornamental aquarium plant, but as a flowering weed it forms a dense mat on the surface of the water. If this weed were allowed to establish, it could block irrigation channels and rivers, restrict livestock access to waterways and alter and destroy natural wetlands and ecosystems. A front-line council officer has informed me that it would have been a disaster if the weed had made it into the waterways of the region. It was pleasing that the council swung into action, working with local landowners to identify the weed, to assist with its removal and to find out how it came to Albury. Inspections of local dams and drainage lines were undertaken in the vicinity and the council initiated a letterbox drop in the area of the infestation to help landowners identify the weed.

Another problem highlights an ongoing source of conflict and frustration for landholders. In 2006 I made representations on behalf of residents at Table Top who were concerned that while one branch of government initiated weed control measures on its land, neighbouring land owned by a different branch of government went untreated. This involved a rail corridor. Also in 2006 I was in contact with the local Rural Lands Protection Board—now known as the Livestock Health and Pest Authority—about a noxious weed issue. Part of its correspondence with me included the observation that:

Effective control of noxious weeds by the RLPBs (Rural Lands Protection Boards) is being nullified when the work practices of other organisations seem to conflict with these efforts. [That is] roadside slashing of grass when noxious weeds are seeding and the movement of roadside plant and equipment from infested to non-infested areas.

In my electorate, a number of individuals and groups work to control and eradicate noxious weeds. One of these organisations is the Eastern Riverina Noxious Weeds Advisory Group. Further along the Riverina is the Western Riverina Noxious Weeds Advisory Group. These are the leading committees dealing with weed management in the Riverina, including the catchments of the Murray, Murrumbidgee, lower Murray-Darling and Lachlan rivers. All key stakeholders are represented on these committees. Albury City Council is in the process of reviewing its list of declared noxious species. This process happens every five years. That will help us to establish whether we are winning the fight against noxious weeds. What is clear is that the exceptionally wet year we have had will encourage the expansion of noxious weeds in the Albury region.

The Minister recently responded to my request for assistance on behalf of a constituent who was concerned about issues such as the inspection of properties for noxious weeds, the issuing of notices and the enforcement of control works. The Minister has kindly made available an expert in her department to speak with my constituent about matters raised in the five-year statutory review of the Noxious Weeds Act. The fight against noxious weeds is an ongoing battle. In this context it is important that governments critically evaluate their control processes. I welcome this new program of improvement.

The bill acknowledges that we do not simply want to accept the current spread of noxious weeds: We are setting out to reduce the risk of new weeds establishing in our State. I support this bill because it will strengthen the provisions in the Noxious Weeds Act that prevent the spread of noxious weeds. Specifically, the bill proposes to extend inspectors' powers in section 32 of the Act to apply to machinery and equipment in general and not to be limited to agricultural machines. This will mean it is an offence for a person knowingly to transport, move or use equipment or machinery that has on it or in it a notifiable weed.

Inspectors' powers in section 40 of the Act also will be extended to apply to machinery and equipment in general. This will mean that inspectors will be empowered to require the removal of notifiable weed material from any machinery or equipment if the inspector reasonably suspects that any notifiable weed material is or may be present in that machinery or equipment. Further, the powers given to inspectors will be extended, both in relation to investigation and management. Samples will be able to be removed for analysis and video taken of equipment and flora when necessary. The Government will also be working to improve our knowledge of the problem of noxious weed infestations in our State, with more realistic measures of what is happening and how weed control programs are proceeding. A number of procedural issues, which currently cause problems for investigators, will also be attended to. For example, a local control authority will now be able to require a landowner to provide contact details of the occupier and other property details.

I note that this power must be exercised by written notice to the landowner. A landowner who fails to supply the necessary information could be liable for a fine of up to a maximum of \$2,200. This is part of treating the spread of noxious weeds as a serious issue where a speedy response is critical. As the Minister has noted, research derived from the Australian Bureau of Statistics natural resource management survey puts the estimated annual cost to the agricultural industry of weed, pest, land and soil activities in the State at \$933 million. Noxious weeds are a real issue for the Albury region which we take very seriously. I welcome the opportunity presented by this bill to adjust the focus of the 1993 Act and to update the necessary powers and procedures. The proposals within the Noxious Weeds Amendment Bill 2012 will enhance noxious weed management, not only in my region but across the whole State. I commend the bill to the House.

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

ACTING-SPEAKER (Mr Gareth Ward): Government business having concluded, the House will now consider the matter of public importance.

INTERNATIONAL WOMEN'S DAY

Matter of Public Importance

Ms LINDA BURNEY (Canterbury) [9.02 p.m.]: Tomorrow people across the globe will unite to recognise women's economic, political and social achievements. In 2012 in wealthy countries like Australia we will say we have come a long way in 101 years since the establishment of International Women's Day, but there is still a long way to go. However, in some developing countries women still suffer discrimination and hardship that can hardly be imagined. Tomorrow we will acknowledge our hard-won achievements and we will turn our minds to the challenges ahead. We will also think of the plight of those other women and pledge our support.

This year's theme is women's economic empowerment. There are some chilling facts, however, that we should take on board. Seventy per cent of the world's poor are women. Women earn less than 10 per cent of the world's wages but do more than two thirds of the world's work. There are many barriers to improving economic security for women. We need to increase workforce participation and reduce underemployment. Unfortunately, women who do work are paid, on average, significantly less than men. In addition, many women are denied the opportunity to be financially independent because of a lack of access to resources, decision-making, business or land ownership, or even a lack of basic literacy. These are global challenges and on International Women's Day we need to think of the global issues.

I would like to say that these issues and barriers do not apply to us in New South Wales. We will see echoes of them in our workplaces and our homes and even in the practices of our State Government—but I will come to that in a moment. Firstly, I want to recognise some of our achievements, which will provide an interesting social timeline. In 1902 women in Australia won the right to vote and to sit in Parliament. It was only in 1949 that our first female Federal Cabinet Minister was appointed. In 1966 women working in Federal public service could keep their jobs after they were married. In 1969 women won equal pay for work of equal value. In 1984 Federal legislation banning discrimination on the basis of sex was introduced. In 2006 more than half of all tertiary education students were women. In January 2008, 4.8 million women were employed with a labour force participation rate of 58 per cent.

In our country we also have a wonderful statistic. Our Prime Minister, the first female, the Australian Governor General and the Governor of New South Wales are all women. Australian women recently won the first paid maternity leave scheme. However—and I understand the nature of these debates—it is beholden on me as the Deputy Leader of the Opposition to say that under the O'Farrell Government the status of women in New South Wales has gone backwards. In just 12 months we have seen women's issues move from the centre of government. We have seen women's rights in the workplace go backwards and the emergence of a worrying pattern of bullying behaviour by the Premier towards women in the Parliament. We have also seen the Premier's Expert Advisory Council for Women abandoned and the cancelling of the NSW Woman of the Year Award. I am loath to bring these matters forward but it is important to state them prior to participating in International Women's Day.

I acknowledge that economic opportunity is important for the status of women, but it should be noted by this House that narrowing the focus of the Premier's Expert Advisory Council for Women, a central body, is a big step backwards for women's rights in New South Wales. The Council for Women's Economic Opportunity, the body that has been established, is also a big step backwards. It is about getting women ready for non-traditional trades and is a long call from its predecessor, the Premier's Expert Advisory Council for Women. What about domestic violence, quality childcare, community service for mothers or issues facing older women? I hope that these vital issues will not be ignored. What has happened to the NSW Woman of the Year awards? They have vanished.

It is a shame that community groups have lost the opportunity to recognise the contributions of local women. In the workplace the O'Farrell Government has quietly scrapped the requirement for 50 per cent of all new appointments to government boards and committees to be women. Further, in a breathtaking act of hypocrisy, women in the public sector may now be faced with a trade-off of lactation breaks for pay rises. What happened to support for women? What happened to the Minister's words, "women's explicit right to breastfeed"? It has gone. I could go on. It is International Women's Day tomorrow and I say to the House: let us hope that by 2013 women across the world will have seen substantial advancement.

Ms MELANIE GIBBONS (Menai) [9.07 p.m.]: I suggest that the member for Canterbury have another look at the facts and figures and reacquaint herself with them. Tomorrow, 8 March, is International Women's Day and it is an opportunity to thank the women who campaigned for change and to honour their

achievements. The best way we can honour them is by continuing to build on their achievements. I am wearing the purple ribbon to acknowledge them today. Even in our modern society, unacceptable inequalities between men and women still remain. Domestic and sexual violence against women and girls persist and women are disproportionately represented in low-paid, low-skilled and part-time work. Breaking the cycle of disadvantage for women is the key to addressing the vulnerability of many women. I know the New South Wales Government is committed to working with key community leaders and stakeholder groups to guide and inform the development of effective policy and programs.

Under the NSW 2021 plan, we have a target to increase the proportion of women employed in non-traditional areas and to enable their economic empowerment. Across Australia significant numbers of women are working in occupational groups: clerical and administrative services, about 75 per cent; community and personal services, about 68 per cent; and in sales, 61 per cent. Yet women comprise only 14 per cent of technicians and trades workers and 8 per cent of machinery operators and drivers. Women comprise less than 2 per cent of all people completing construction, automotive and engineering and electro-technology and telecommunications apprenticeships. The economic development of New South Wales will greatly improve once women are acknowledged, on merit, for their skills and their capability to participate equally in the entire workforce, giving them the opportunity also to access higher paying trades.

This Government aims to make every trade traditional for women so that any career option is possible for all young girls leaving school and other women looking for alternative job options. To establish this goal, the Liberal-Nationals Government has established the NSW Council for Women's Economic Opportunity to provide special advice to the Government on strategies to give women greater opportunities. Obviously, it is important for the future economic health of New South Wales that we encourage more women into non-traditional roles. This new council will examine why women continue to be underrepresented in certain jobs and identify solutions to increasing their participation. I understand that council members have strong backgrounds in engineering, manufacturing, construction, training and mentoring. Their expertise and advice will be invaluable in helping us to close the pay gap.

This goal is in line with the United Nations International Women's Day theme highlighted at today's breakfast at Darling Harbour and attended by 1,700 people, including: the Minister for Family and Community Services, and Minister for Women, the Hon. Pru Goward; the Minister for Health, and Minister for Medical Research and Minister for the Environment, the Hon. Jillian Skinner; and the Minister for the Environment, and Minister for Heritage, the Hon. Robyn Parker. The ABC journalist Sally Sara gave one of the best keynote speeches I have ever heard. It focused on her time based in war-torn Afghanistan and on an inspirational female Afghani helicopter pilot she met there who was teaching her five-year-old daughter that women can do anything. Tomorrow I hope to do the same when I and a panel of members at Parliament House talk to young female leaders in year 11 from 18 State electorates. This message of empowerment will be shared tomorrow by the various groups that will meet in celebration of International Women's Day as women demonstrate that they are capable of anything.

Liverpool Quota will host a breakfast at which Dr Ann Eyland, winner of the National Council of Women Award in 2011, will be the guest of honour. Dr Eyland's career has involved guidance and support for women's careers and interests. She has specialised in statistical consulting, working with academics from across many disciplines. She also headed a small team that conducted Macquarie University's equal opportunity project—the first such project to be conducted at a university. I am sure it will be an interesting morning but as Parliament is sitting I will not be able to join them. The Liverpool Business Enterprise Centre will also offer a training event tomorrow in recognition of the progress made by women in the workforce. As I said earlier, it is a way of building on the achievements of other women. I also acknowledge the local Girl Guides in our electorates and thank the leaders in particular who give their time and energy to assist our future leaders. Finally, I thank the member for Canterbury for bringing this matter of public importance to the attention of the House.

Ms ANNA WATSON (Shellharbour) [9.11 p.m.]: I am honoured to make a contribution to debate on International Women's Day, an issue about which I am passionate. This morning I attended the Local Government and Shires Associations award ceremony in recognition of some wonderful women in New South Wales who give tirelessly to their communities. In particular, I congratulate Mrs Veronica Bird, from my electorate, on the outstanding work she undertakes for our Indigenous community. Veronica was instrumental in ensuring that a motion requesting the State Government to consider a change to the Constitution was drafted and supported at the 2009 Local Government Association conference. Veronica has been vocal in her belief that true reconciliation happens at a grassroots level, where we can all work together to eliminate discrimination, inequality and ignorance.

The former New South Wales Labor Government took the important step towards amending the Constitution's preamble to acknowledge Aboriginal people as the first people of New South Wales. Veronica was at the forefront of the push for Indigenous constitutional recognition, having been a delegate of the South Coast Aboriginal Land Council at previous New South Wales Local Government Association conferences. I admire Veronica for her advocacy. It was because of her courage that action was taken at the highest level of State Government. The years in which she stood up on behalf of her community, particularly in relation to Aboriginal constitutional recognition, have paid off. She should be congratulated on such a fantastic result. An amendment such as this will enshrine in our most important legal document that Indigenous people were the first residents of New South Wales.

Veronica is held in high esteem. She is an asset to the electorate of Shellharbour, and is well respected across business and community sectors. I hope the women in my electorate will seize the opportunity and push for greater things as a result of the selfless road that women such as Veronica have paved. Women provide an enormous and invaluable contribution to public life, which then flows throughout the community. They are disproportionately represented across most sectors. One has only to look at the gender imbalance in this House to see just how widespread it is. Statistically women are paid less, they have less superannuation and their access to employment opportunities and advancement are reduced. Women continue to be underrepresented in senior positions; having only 38 per cent representation on boards or directorships.

However, on the flipside, women are overrepresented in part-time and casual employment, which offers minimal security and less advancement opportunities—be it in training or otherwise. Recently a triumphant win for women was witnessed in the Australian Services Union pay equity campaign. This hard-fought campaign was based on the fundamental principles of justice and equality. In an historic decision Fair Work Australia awarded Australian Services Union members equal pay. That result is testament to all women who for decades have championed the cause for equality. The General Secretary of the Australian Services Union is to be congratulated, along with her organisers and members who campaigned and fought hard under very trying circumstances. Women have been undervalued and underpaid in this country for far too long, particularly those in the social services sector.

Mrs LESLIE WILLIAMS (Port Macquarie) [9.14 p.m.], by leave: It is with much pleasure that I join my parliamentary colleagues in celebration of International Women's Day. On International Women's Day the achievements of women from all over the world, whether they be political, economic or social, are celebrated and with solidarity we look to the future to ensure that future generations are able to reach their full potential. This morning I, along with many of my parliamentary colleagues and 1,700 women and girls, had the opportunity to celebrate the 2012 UN Women Australia Sydney International Women's Day breakfast. The member of Menai has already described the highlights of the event and I too found it to be uplifting and inspiring.

Tomorrow night, along with the Hastings Business Women's Network, I will be co-hosting an International Women's Day event in my electorate to raise much-needed funds for our local Hastings Women and Children's Refuge—a refuge for women and their children or single women who need to escape from domestic violence. In the past two years when I have hosted an International Women's Day event in Port Macquarie I have been joined by two esteemed political women—Nationals Senator Fiona Nash and Julie Bishop, the Deputy Leader of the Federal Opposition. This year Donna Carson, an extraordinary woman, will share her story of domestic violence with us.

Donna has overcome what many people would consider to be insurmountable challenges and ongoing obstacles after a domestic violence incident in which her partner doused her with petrol and set her alight. A path of pain, operations, therapy and rehabilitation followed and, finally, in 2004 Donna received national recognition when she was awarded Australia's Local Hero Award for her advocacy for victims of violent crime. Her story of willpower, courage and conviction is incredible. I have no doubt that as well as sharing International Women's Day with her, and probably a glass of champagne, we will also shed a tear or two as she retells her tale of adversity. In order to achieve gender equality men will have to be a part of the solution, particularly in the workplace. I conclude my contribution tonight with a quote by Sex Discrimination Commissioner Elizabeth Broderick as to the challenges ahead in tackling gender equality, which was reiterated at today's breakfast by guest speaker Sally Sara:

It's not about asking men to save us – we can save ourselves, thank you very much – but it's about engaging them to help create change. And recognising that men's and women's lives are totally intertwined, and that when women benefit, men benefit as well..

I wish everyone a happy International Women's Day tomorrow.

Ms LINDA BURNEY (Canterbury) [9.17 p.m.], in reply: I thank the members for Menai, the member for Shellharbour and the member for Port Macquarie for their contributions to this important debate recognising International Women's Day. Whilst we have made some fantastic advances we still have a long way to go and many challenges have yet to be faced. We must remember those women around the world who are being trafficked. Rape has been deemed as a weapon of war by the United Nations. We must remember those young girls who are forced to labour for 12 to 14 hours each day with no recompense. Many women in developing countries have no life expectancy past the ages of 34 to 42. The Government's commitment to women is important, in particular, in the area of domestic violence and in the protection of family and children.

Abandoning the Premier's Expert Advisory Council for Women is a retrograde step in the provision of advice on women to the Premier of New South Wales. I ask Government members to consider that fact. Tomorrow is the day for all members in this Chamber, both men and women, to wear purple and to acknowledge the hardships and inequities that have been outlined in this matter of public importance. Without question, women around the world carry the burden of being victims of terrible poverty, violence and illiteracy. One need only listen to news broadcasts about Syria and Afghanistan to understand the sorts of things to which I am referring. I ask members tomorrow to think about these issues, not only as they affect their own communities where many celebrations and acknowledgements will take place but also as they affect women internationally. We are all part of humanity and it is important to remember that people in other countries do not share the same privileges that we enjoy in Australia.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

PORT MACQUARIE ELECTORATE SCHOOLS

Mrs LESLIE WILLIAMS (Port Macquarie) [9.21 p.m.]: This evening I inform the House about a number of schools in my electorate. On the first anniversary of my election as the member for Port Macquarie representing the wonderful people of the Port Macquarie electorate, I set myself a goal to try to visit as many schools in my electorate as possible. I am proud to say I have just about fulfilled that self-promise. Last Monday I travelled to the southern part of my electorate to visit public schools at Lansdowne and Harrington. Both those schools are small in student numbers but big on character. Lansdowne School is lucky to have a great principal in Mrs Christine Wilde. Chris has been at the school for just over 2½ years and immediately prior to that she worked at the district office. During the 1990s she taught my children at Hastings Public School, so I speak with considerable knowledge of the dedication and professionalism that she brings to teaching.

Lansdowne Public School, a fantastic small school with a genuine feeling of community, accommodates 75 students and four teachers. Each morning canteen volunteer Margaret takes charge of the Breakfast Club, nourishing students with toast with toppings of jam, vegemite or cheese. Following my recent visit I can vouch for their great taste. Lansdowne is not a high-income area, so any help is greatly appreciated by the community. The school boasts a great vegie patch and herb garden and some very social chooks. As we speak, Bubbles the hen is sitting on a dozen eggs, which should hatch any day now. While the school is in relatively good condition, unfortunately it does not have a playground for younger students. The old playground remains on the school grounds but is rusted, has been condemned and is awaiting removal. I have given the school a commitment that I will seek out available grants and funding possibilities that may help to provide new playground equipment.

Later on Monday morning I visited Harrington Public School, which is located near the mighty Manning River in the most southern part of the Port Macquarie electorate. Under the watchful eye of Principal Mike Roze, the school caters for around 100 students. Just prior to Christmas I was pleased to deliver the good news that the school had received \$109,000 for a toilet renovation project and minor improvements. Planning is now well underway for this upgrade and I know that it is welcomed by the school community. Teachers and students Harry Cassar, Jake Jackson and Abbie Davis demonstrated to me a sense of real pride in this 140-year old school. The school is even home to 100-year-old Norfolk pine trees that the school would like to see heritage listed. The trees are home to a number of sea eagles. Principal Roze said that it was not until the discovery of fish skeletons at the base of the trees that they realised the trees were a habitat for the birds.

Although the school's covered outdoor learning area is in need of replacing and some minor maintenance and a coat of paint is needed, generally speaking the school is in good shape, with a great team of

teachers and inspiring students. As Mike Roze begins planning for his retirement, I wish him well and thank him for his dedication and contribution to teaching our local students. In the weeks ahead I will be visiting a number of schools in my electorate including Johns River, Kendall, Herons Creek and Westport public schools. I look forward to having the opportunity to take a closer look at these schools, meet both students and staff, and report to the House on their great work.

NARARA VALLEY HIGH SCHOOL BAND

Mr CHRIS SPENCE (The Entrance) [9.24 p.m.]: I acknowledge and commend a group of students in The Entrance electorate that form the Narara Valley High School band. The band is an integral part of Narara Valley High School and caters for all students from year 7 to year 12, and additionally accommodates students in year 6 who will be attending the school for their secondary education. The band provides wonderful opportunities for participating members and provides "a range of enrichment programs to cater for the needs and interests of all students", with various ensembles that cater for all musical instruments and student abilities and experience. Coordinated by a very capable team overseen by Deborah Arnison and assisted by a parent committee, the Narara Valley High School band engages talented and accomplished tutors.

The band is led by Rowan McBride, an experienced musician and director of School and Community Music. Since its inception in 2004 with only seven students, a donated drum kit and a handful of other bits and pieces, the band has achieved great success over the years not only locally but also nationally and internationally. The band is very community focused and participates regularly in community activities, such as performing each year alongside the Gosford city brass band at the Anzac Day ceremony in Gosford. In late 2011 the jazz band performed at the year 12 formal of Glenvale Special School. This brought much joy not only to the students who performed but also to the students and parents, who thoroughly enjoyed an evening experiencing music in a way that is ordinarily difficult to do as a family.

Also during 2011 the Narara Valley High School band toured Outback Australia over 15 days, visiting remote communities such as the Wallace Rockhole community where they were able to introduce the students to orchestral instruments and play concerts for the surrounding areas. The tour finished in Adelaide at the National Band Championships, at which they won numerous first places and were placed second overall. The band auditioned for the prestigious Pacific Basin Music Festival, which will be held in Hawaii in 2013, and was successful. This is a great achievement as only 10 bands throughout the world have the opportunity to attend. This will be a tremendous experience for the students. Over the years ensembles from all over the world have played at the festival, including Australia, Canada, Germany, New Zealand, Singapore, South Korea, Taiwan, Tonga, the United States and Japan. Plato once said:

Education in music is most sovereign, because more than anything else rhythm and harmony find their way to the inmost soul and take strongest hold upon it, bringing with them and imparting grace if one is rightly trained.

Plato is right. Music education is of essence to education and should never be dismissed or considered to be less important. Music enhances education and learning, and develops listening skills and cognitive responses. Through music, students learn discipline, patience, problem-solving and the merits of applying themselves to a task until it is perfected. In today's fast-paced lifestyle, dominated by here-and-now technology that never sleeps, and so much emphasis is placed on the academic framework of education, it is refreshing and inspiring to see a group of students so dedicated to their art and so willing to share it with the community and the world. I wish every student in the Narara Valley High School band all the best for the year ahead and great success in their musical studies.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 9.29 p.m. until
Thursday 8 March 2012 at 10.00 a.m.**
