

# LEGISLATIVE ASSEMBLY

Wednesday 13 June 2012

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

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

## AUDITOR-GENERAL'S REPORT

**The Clerk** announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Performance Audit Report of the Auditor-General entitled "Physical activity in government primary schools: Department of Education and Communities", dated June 2012 and received 13 June 2012.

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## PRIVATE MEMBERS' STATEMENTS

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### CENTRAL COAST GRANDPARENTS RAISING GRANDCHILDREN PROGRAM

**Mr CHRIS HOLSTEIN** (Gosford) [10.11 a.m.]: Later today, with my colleagues the member for Wyong and the member for The Entrance, I will be hosting representatives from the Central Coast Grandparents Raising Grandchildren program which is run by Central Coast Family Support Services. In Australia the estimated number of families in which a child resides under the guardianship of a grandparent or grandparents exceeds 30,000, with more than half those families located in New South Wales. As well as having a direct benefit for the grandparents and grandchildren it is believed that grandparents raising their grandchildren provide a broad community benefit. Moving grandchildren from a bad living environment to one of love and caring means they have a much better chance of living a happy and productive life. Further, it reduces the chance of them being a burden to society.

The reasons for grandparents raising grandchildren can be because of the death of a parent, child neglect or abuse, parental drug or substance abuse, unemployment, incarceration, poverty, mental health issues or domestic violence. Grandparents raising grandchildren face a number of challenges: financial resources, legal issues, parenting issues, social support, health and wellbeing, and isolation. Key issues for grandchildren being raised by grandparents are grief, mental health issues, financial stress, feeling different from their peers and overcoming the impact of abuse or neglect. The Central Coast Grandparents Raising Grandchildren program supports families with children where family issues impact upon a child's safety, wellbeing and development.

Grandparents Raising Grandchildren is one of eight programs run by Central Coast Family Support Services. The program was initially funded in 2005 for two years through the Area Assistance Scheme. The funding enabled the employment of a part-time project officer, the facilitation of support groups, individualised support and advocacy, information workshops and social activities for the grandparents and grandchildren. By the time the funding period concluded in 2007, the initial base of 60 families had grown to more than 120. Today the program has more than 160 families with more than 490 children being supported by grandparents.

With the support of community service clubs such as Inner Wheel, Rotary and Lions and with fundraising by the staff, Central Coast Family Support Services is able to provide several workshops, picnic days and a camp for the families. Over the past three years public fundraising to support the program has been approximately \$30,000 per year. In August last year the patron for the Central Coast Grandparents Raising Grandchildren program, the member for The Entrance, spoke in this House about the program. He spoke of the burden placed on grandparents raising their grandchildren, in particular, the financial burden. He said the

grandparents found themselves spending their retirement savings and their superannuation or trying to stretch their pension and in some instances delaying their retirement plans or going back to part-time work. The Grandparents Raising Grandchildren program is a good organisation which today will have four representatives at Parliament House talking not only to members but also, hopefully, to some Ministers.

I speak from a different perspective from that of the member for The Entrance in that I am a grandparent. I have five grandchildren who are the light of my life. We have a good family environment that supports them, but if the need ever arose and as a grandparent I was put into the role of raising them I would find it extremely difficult in the long term. Many grandparents suffer an immense financial burden by delaying their retirement and perhaps having to find part-time work. Grandparents have a responsibility to support their grandchildren when the need arises. There is an old saying that grandchildren are God's way of compensating us for growing old. No truer words were ever spoken. I hope that some of my parliamentary colleagues will talk to representatives from Grandparents Raising Grandchildren about what is going on in their lives, how they support their grandchildren now and how they will support them in the future.

**The SPEAKER:** Here's to grandparents everywhere, including the Speaker.

### **LOTTIE'S PLACE AND WOLLONGONG WOMEN'S REFUGE**

**Mr RYAN PARK** (Keira) [10.16 a.m.]: Today I talk about Lottie's Place—a very important women's refuge in Keira run by Wollongong Women's Refuge at Keiraville, which supports the broader Illawarra community. A week and a half or so ago I had an opportunity to meet with staff at this recently renovated and refurbished refuge which is an extremely inspiring place. Staff members at the refuge, in particular, Kathy Colyer, have done an outstanding job in a very difficult environment. Women go to these refuges because they have come from difficult and demanding lifestyles and often are the victims of domestic violence. They might have mental health or drug and alcohol addiction issues, or they might just suffer extreme loneliness and depression.

This was my first opportunity as a member of Parliament to visit a women's refuge. Although it was inspiring—it was a happy day because it was an open day—it also was quite confronting to hear from some of the workers the stories of the trials and tribulations of the women who go to the refuge. It was also extremely difficult to accept that an enormous number of women are turned away from these types of facilities. Kathy Colyer said that the demand for refuge centres such as Lottie's Place is continuing to grow—an issue that all of us in this place, regardless of our political persuasions, will have to confront. There are women in our communities who have been subjected to domestic violence, who are living with partners or loved ones who have a severe alcohol or drug dependency, who are experiencing those issues themselves and who are experiencing severe mental health issues. Sometimes these refuges are the only places to which these women can go to seek help.

As a fairly young male member of Parliament I felt I had to visit that women's refuge to get a sense of what the people who go through the doors of that refuge experience. As I have not walked in their shoes I would never pretend to know exactly what they are going through, but the work that is being done by the Wollongong Women's Refuge is absolutely inspiring. It is inspiring because as someone with two older sisters and a stable family life I often think, "Boy, how does one get to a stage where one needs to seek this type of assistance?" We can only answer that question by talking to the committed members of staff who work in these refuges. People like Kathy Colyer have been in this type of service for decades. They are the unsung heroes of our communities. I know all members have Kathy Colyers in their communities. What I wanted to do today was bring to the attention of the House the inspiring work that these people do for women who are facing very difficult circumstances in our community.

I could never imagine what it would be like to suffer at the hands of someone who is beating you up or someone who is affected by drugs and alcohol. I cannot imagine what it would be like never to know when your next meal will be put on the table or where you will sleep that night. These women face those sorts of circumstances each and every day, but they do so with the support of people like Kathy Colyer and the Wollongong Women's Refuge. It is something I am much more educated about having spent a couple of hours with them. I encourage all members, particularly men in this place—I am sure some have already done so—to go to these refuges, to see what these women have to confront and experience, and to try to get a sense of the difficulties they face. As legislators and lawmakers we need always to have in the back of our minds what some of the most marginalised and disadvantaged sections of our community experience. We must realise that not everyone is as lucky as we are and able to live the lives that we do.

### TRIBUTE TO NORMAN JOHN McVICKER, OAM

**Mr ANDREW GEE** (Orange) [10.21 a.m.]: On Tuesday 29 May 2012 the town of Mudgee paid its last respects to Norman John McVicker, OAM, who passed away on 21 May at the age of 92. The late Mr McVicker retired to Mudgee in 1980 after a distinguished career as a freelance journalist and scriptwriter. He was born at Tempe on 19 January 1920. Norman McVicker went into radio in 1937 after completion of his secondary education at Canterbury Boys High School the previous year. From 1949 until his retirement he was the audit manager for Qantas Airlines' audit department and in his spare time maintained his passion for drama. He founded and was a director of Pocket Playhouse Children's Theatre, which operated from 1961 to 1973. In 1966 Prime Minister Harold Holt appointed Mr McVicker as a member of the Australian UNESCO Committee for Drama and Theatre, an appointment he held for five years.

Upon moving to Mudgee Norman quickly became involved in the arts community and was a foundation member of the Mudgee Arts Council and also gave his time to school musical productions at Mudgee High School and St Matthews School. In 1983 he began a long association with the local newspaper, the Mudgee *Guardian*, that wonderful source of information on all things in Mudgee, Gulgong, Rylstone, Kandos and places further afield. He started out writing book reviews and special articles and in 1989 began his regular column, "Tales from along the Wallaby Track", which proved so popular with readers. For the next 23 years this column depicted the history of the Mudgee area, the State and the country. The day before he passed away marked the twenty-third anniversary of "Tales from along the Wallaby Track"—1,181 columns in all. At the time of his death he had written a further five instalments, which Mudgee *Guardian* Editor Robyn Murray has said will be published as per Norman's wishes.

In 2009 Norman launched his book *Tales from along the Wallaby Track*, which featured many of his favourite history lessons on the Mudgee district. The Mudgee *Guardian* is part of the Fairfax Group and at the time of his death Norman was believed to be the longest serving columnist in that organisation in Australia. He had a great love for local history and after moving to Mudgee became heavily involved in studying the life of the legendary poet Henry Lawson who grew up in the area. Lawson's work featured many local stories including his famous short story *The Loaded Dog*, which was set at the Budgee Budgee Inn on Ulan Road about 10 kilometres north-east of Mudgee. Lawson attended Eurunderee School near Mudgee and Norman worked for the retention and restoration of this school.

In 1990 Norman received the Mudgee Shire Council's Australia Day Arts Award in recognition of his efforts in restoring the school. The fact that the Eurunderee School building is still standing today as a historical site in the Mudgee area is seen by many as a fitting memorial to Norman's life in the district. He also designed the concept for and wrote biographies of Mudgee pioneers for the Wall of Reflection in the Mudgee Library. When he came to Mudgee, Norman felt he was too old to give his time to volunteer organisations such as the Rural Fire Service or the State Emergency Service. Instead, his gift to Mudgee was to use his words to write the people's history. His gift in part led to his being awarded the Medal of the Order of Australia in the Queen's Birthday honours list for service to the performing arts, particularly theatre, and to the community of Mudgee.

Norman served his country in World War II and in 2005 received the Commonwealth of Australia Medallion commemorating the sixtieth anniversary of the end of that war for his service to Australia. In January 2007 he received the New South Wales Premier's Community Service Award in recognition of his outstanding service to the community for his history writing, theatre and arts work. There is insufficient time for me to talk about the many other awards and recognitions he received for his work. Needless to say, he loved his life in Mudgee and used his many talents to leave an indelible mark on that wonderful part of the Orange electorate. I express my condolences and that of my electorate to Norman McVicker's family and friends. He will be greatly missed.

### ITALIAN REPUBLIC DAY

**Mr ANDREW ROHAN** (Smithfield) [10.26 a.m.]: As the member for Smithfield I am privileged to represent one of the most culturally diverse communities in New South Wales. The largest of those communities in my electorate is the Australian Italian community, which accounts for more than 10 per cent of the electorate's total population. On Saturday 2 June 2012, the local Italian community in my electorate joined Italians across the world to celebrate Italian Republic Day, or Festa della Repubblica. Although nobody knows how to celebrate quite like the Italians, it was appropriate that the Marconi Club in my electorate hosted the

largest and most elaborate celebration for Festa della Repubblica. I was in attendance at Club Marconi to witness those celebrations firsthand. Whilst today Italian Republic Day is more a day of celebration and festivities, there is also a story of great importance behind it, a story of a people choosing to take destiny into their own hands.

After the Second World War, popular opinion forced the Italian Government to hold a referendum to determine whether their head of state would be elected by the people. It was on 2 June 1946 that the people of the Kingdom of Italy decided to be governed by a person elected democratically by popular vote. The Republic of Italy was born. For me, Italian Republic Day is an opportunity for all Australians to reflect on the story of the Italian community here and their post-war migration to Australia in search of a better life after the devastation of war, because this is a story to which we can all relate. Their stories tell the tale of hardworking, committed men and women who came to this country, risking their lives, leaving behind all they had known, with very little ability to speak the new language, so that their children would have a chance for a better future.

The Australian Italian community has contributed heavily to the development of the local community in my electorate of Smithfield. From businesses and politics to community service organisations, the Australian Italian community within my electorate is one that has made the local community what it is today. A prime example is the Marconi Club itself, which hosted the Italian Republic Day celebrations. Club Marconi in Bossley Park is named after Guglielmo Marconi, the father of long distance radio transmission. The club's logo is a symbol of everything for which the club and the Italian community stand: a wireless antenna in front of a globe blended with a boomerang in the colours of the Italian flag—green, white, and red. This is a testament commemorating the combination of Italian culture with our native Australian heritage.

The club is not only the centre of the Italian community in my electorate but of the entire wider community. The club hosts a wide range of events such as the traditional chestnut and wine festival, as well as public holiday events such as Australia Day celebrations. I congratulate the President of Club Marconi, Mr Vince Foti, and the board of the club for hosting the biggest and best Italian Republic Day celebration this year. I thank the Hon. Marie Ficarra for representing Premier Barry O'Farrell. The attendance of a large number of distinguished guests representing all levels of governments from both sides of politics was a testament to the significance of the Australian Italian community. Guests at the celebration were graced with a performance by the Club Marconi choir.

The power and emotion in the voices of the choir singers complemented the nature of the day and the meaning of the event. In addition to the entertainment there were a variety of stalls, including some selling delicious Italian food such as pasta and fusilli, lasagne and homemade salsa di pomdori, dolce like carrolis, gigis and biscotti di almonds, and lots of espresso cafe, vino bianco, vino rosso and gelato to quench the thirst and tantalise the taste buds. The arrival of evening brought with it a great display of fireworks for the guests and residents of the surrounding suburbs to enjoy. The Italian Republic Day this year was an excellent day that I enjoyed very much and I look forward to attending next year's celebration at Club Marconi. Viva la Repubblica.

#### **TRIBUTE TO MR JOHN ENGISCH, OAM**

**Ms TANIA MIHAILUK** (Bankstown) [10.31 a.m.]: I speak in praise of Mr John Engisch, a great member of my local community. On the Queen's Birthday long weekend Mr Engisch received the Medal of the Order of Australia. Mr Engisch received his award in recognition of his services to the print media industry and to the Bankstown community, and in particular for his many years of charity work. I have had the pleasure of knowing Mr John Engisch for close to 10 years. During this time I have seen firsthand the enormous contribution that John has made to the Bankstown community. John has served as managing director of Torch Publishing for 26 years. He is the third generation of the Engisch family to preside over this important media outlet.

The *Torch* has chronicled the story of the Bankstown community since 1920. I have previously spoken in praise of this great local organisation which is a true rarity in the Australian media market—a family owned and operated business. Torch Publishing is located at Condell Park, from where it produces four newspapers each week. These include the *Bankstown-Canterbury Torch*, both Bankstown and Canterbury editions, the *Auburn Review* and the *Cooks River Valley Times*. Since taking over the operation of Torch Publishing in 1985 Mr Engisch has overseen the expansion of the Torch Group and the transformation of the *Torch* into a modern newspaper. In August 1993 John was responsible for the founding of the *Cooks River Valley Times*. That paper

caters for the Earlwood and Marrickville areas and it is now in its nineteenth year of operation. One technological innovation for which Mr Engisch was directly responsible was the introduction of computer typesetting in the 1970s. This system replaced the previous process of the paste-up of pages by hand.

Over the course of his two and half decades of service Mr Engisch has overseen a number of other technological innovations in the publication of the *Torch*. These have included the purchase of single width newspaper presses in 1991; the introduction of onsite colour separations in 1992, which was an industry first for a suburban newspaper group; the installation of heat set presses, which allowed the *Torch* to publish on gloss paper in 2002; and the introduction of computer-to-plate production of the *Torch* newspaper in 2003. Mr Engisch has ensured that the photographers on the *Torch* have had the best in camera technology, including digital cameras being introduced. Under John's leadership the *Torch* continues to expand into new territory. Recently this has included improvements to the online presence of the newspaper to allow the Torch Group to cater to an even larger audience.

In his capacity as managing director of Torch Publishing Mr Engisch has been the chairman of the Northern Division of Community Newspapers Australia for more than 20 years. Mr Engisch has previously served as the chairman of the Single Width Users Group and as treasurer and a director of the Circulations Audit Board. During Mr Engisch's time of service at the *Torch* he has overseen its continued legacy of positive contribution to our community. An enduring example of this has been the donation of fireworks by Torch Publishing to the Bankstown Australia Day celebration and for the Bankstown Christmas carols. Mr Engisch is a community leader in Bankstown, where he has had a long-term association with Bankstown City Council. He was previously a member of the Bankstown council local development committee and the Bankstown central business district executive committee. He is also a long-time advocate for infrastructure investment in the Bankstown area.

Mr Engisch is also a long-time supporter of our local licensed and service clubs and is a frequent host and presenter at community and charity functions. In addition to his work with the *Torch*, Mr Engisch is a well known philanthropist who has donated countless hours of his time in order to improve the lives of others. John was responsible for organising the Queen of Bankstown competition, which ran for 21 years from 1979 to 1999. During that time the competition raised \$1.6 million for local charities in Bankstown. The Queen of Bankstown provided funding for four charities: the oncology unit at the Children's Hospital, Bankstown East Hills Handicapped Association, Bankstown Children's Handicapped Association, and the Bankstown Young Men's Christian Association [YMCA]. Mr Engisch also served as chairperson for the last 15 years of the competition's existence.

Mr Engisch is a strong supporter of cancer advocacy and research charities. Mr Engisch played a pivotal role in the Bankstown Relay for Life, supporting the New South Wales Cancer Council from 2002 until 2010. During his time with the Relay for Life more than \$500,000 was raised in support of the Cancer Council. This year Mr Engisch was responsible for raising \$20,000 for the Australian Cancer Research Foundation during the *Torch* charity golf day. Mr Engisch has served the Bankstown Rotary Club for 34 years. During his time with Rotary he has held a variety of positions, including fundraising and programs chairman. Mr Engisch is a warmly admired and valued person within my community. I have been truly privileged to have known him. I acknowledge Mr Engisch's family, in particular his wife, Carolyn, and his sons, Christian and Trent. I congratulate John on his well-deserved award. I pay tribute to him for his years of service and note the enormous contribution he has made to our community.

### **DANCING WITH THE COOMA STARS FUNDRAISING EVENT**

**Mr JOHN BARILARO** (Monaro) [10.36 a.m.]: Dancing with the Cooma Stars was a fantastic and incredible fundraising event which recently took place in my electorate of Monaro. The following is an extract from an article in the *Snowy River Echo* which captures the essence of the event:

Fifteen hundred people bought tickets for the four Dancing with the Cooma Stars performances which were held on Thursday the 24th, Friday 25th and Saturday 26th of May to raise funds for the Monaro Committee for Cancer Research (MCCR). A massive \$170,000 has already been raised (the final sum is yet to be determined).

The three day event was kicked off with a 'dress rehearsal' corporate event on the Thursday night where the atmosphere was as electric as the thematic blue decorations! Revellers were treated to delicious canapés, entertaining comperes Jim Walker-Brose and Councillor, MCCR committee member and McGrath Breast Care Nurse, Bronnie Taylor, and brilliant and often humorous performances by the eleven Cooma Stars and their dance partners who worked incredibly hard to raise money and master their dance steps.

In her introductory speech, Cooma's own Sonia Kruger, Bronnie Taylor, spoke about the enormous contribution the MCCR has already made to the region for the benefit of cancer patients and their families. This includes an oncology ward, the ability to perform two breast surgeries in Cooma daily, a navigator probe, chemotherapy back payment and other essential financial assistance to patients and their families, an iPad for the clinic so Skype can be used for long distance consultations three oncology nursing staff and much more. The report in the *Snowy River Echo* continued:

The first performance 'set the bar high' according to the judging panel, and indeed it did. Dr David Learoyd and his dance partner, Jo Brown gave a hilarious and clever performance with Dr Learoyd's distinct beard literally lighting up the stage! He has since shaved off his beard, as he promised, as an additional \$10,000 was pledged to the MCCR over the duration of the performances.

Amongst the entertainment and humour, was the powerful message brought home by breast cancer survivor Liza Dyball and her dance partner Craig Schofield's performance to the song 'Stronger' ('What doesn't Kill you') by Kelly Clarkson, where Liza demonstrated her physical strength, despite her recent treatment, by lifting Craig up amongst a stage festooned by giant pink ribbons. It was a truly inspiring performance. In a brief speech after the performance, Liza thanked the MCCR for keeping her life 'normal' especially for her kids while she was having treatment locally. Liza Dyball and Craig Schofield were the couple who raised the most money (by \$20!) Raising an amazing \$21,049.40.

... Christos Xenochristous and dance partner Shannon Schofield won the people's choice and judges' choice award with their jaw dropping performance ...

The effort in fundraising surpassed expectations and hundreds of people were involved in making the event such a success. This great event is testimony to the fantastic Monaro community and the incredible dedication of the 35 members of the Monaro Committee for Cancer Research and the terrific Cooma staff and the dance performances. It is appropriate to acknowledge the Monaro Committee for Cancer Research office bearers: President Sue Litchfield, Vice President Sandy Schofield, Secretary Lorraine Blencowe and Treasurer Pat Nichols. The management committee is made up by Bronnie Taylor, Judy Caldwell, Dale Coyte, Carolyn Ewart, Sarah Allen and Sue Eccleston. The strong and large committee comprises: Carolyn Allen, Robbie Boyce, Wendy Chapman, Jacky Dixon, Gail Eastaway, Peige Eber, Marie Hampson, Vicki Haylock, Joey Herbert, Pam Johnson, Gaye Kable, Penny Larritt, Liz Litchfield, Angie Manthey, Karen McGufficke, Michelle McGufficke, Annie Reynolds, Jane Redmond, Jacqui Schofield, Lilibet Stephens, Rowena Treappitt, Mary Walters, Tania Ward and Denham Williams. The patron is Barbara Litchfield.

I also congratulate the many stars and their dancers—Chris Allen and Lauren Swain, Alicia Clarke and James Ewart, Liza Dyball and Craig Schofield, Andrew Fairfield-Smith and Kim Neville, ex-Wallabies international Owen Finegan and Katie Thompson, David Learoyd and Jo Brown, Ben Litchfield and Shara Jones, Annie O'Keeffe and Luke O'Sullivan, Ben Rolfe and Michelle Manthey, Liz Timmins and Mark Nolan, and Christos Xenochristou and Shannon Schofield. Cooma Dancing with the Stars was a remarkable event for our region and for the community of Cooma, and raised a significant amount of money. For those who want to know more about the event and about the Monaro Committee for Cancer Research they can view the *7.30 Report* from last Friday, which encapsulates the event and the committee's dedication to those suffering from cancer in my region. They bring good services to regional and rural communities. I will forward my colleagues in this House a link to that remarkable program. I congratulate the committee and all the volunteers. I am proud to be a member representing a community such as Cooma in my electorate.

## SKIN CANCER

**Mr RICHARD TORBAY** (Northern Tablelands) [10.41 a.m.]: I was surprised to learn only recently that New South Wales was lagging behind other States in adopting a sun protection policy for primary school students in government schools. Queensland, the Northern Territory, Western Australia, Victoria and South Australia already have policies in place. Given the evidence that sun protection in early years dramatically reduces the incidence of skin cancer in later life, I urge the Government to waste no time in developing a strategy for this State. Recently I met with representatives from the NSW Cancer Council, a mighty organisation, to discuss its goal to see sun protection mandated in every State primary school. Like many others, I am sure, I assumed such a policy already existed. If the lack of a strategy is an oversight then I would assume the Minister for Education will not delay in implementing a mandate.

Currently two-out-of-three Australians will develop some form of skin cancer before the age of 70. More than 444,000 Australians are treated for skin cancer every year and more than 1,800 people die from skin cancer every year. Reducing children's exposure to ultraviolet radiation, particularly in the first 15 years of life, significantly reduces their risk of skin cancer later in life. The good news is that almost all skin cancers can be prevented through effective sun protection measures. In New South Wales all children between five and 12 years of age spend seven hours a day for 40 weeks a year in primary school. This means primary schools have a particularly important role in protecting children from sunburn and later skin cancer risk.

There has been some progress, particularly with 42 per cent of schools participating in the voluntary SunSmart Primary School Program, through which Cancer Council NSW supports schools by providing curriculum resources, SunSmart signage and local incentives, and schools commit to developing and implementing a sun protection policy that meet its recommendations. However, it is clear that we are not doing enough. An online survey of parents of children attending government primary schools in New South Wales found that 49 per cent of children are wearing baseball caps to school despite the fact that they do not provide adequate sun protection. The same survey found that 46 per cent of parents believe that baseball caps do provide adequate sun protection when in fact they do not.

One factor contributing to this problem is the lack of strong policy guidance and support for primary schools. Education department guidelines on sun protection have not been updated since 1997. The guidelines do not reflect what is known to be important for optimal sun protection, current health evidence or statistics, and only encourages schools to develop their own sun protection policies. For almost four years the education department has said it is in the process of updating the guidelines. Specific gaps and concerns in the guidelines include the reference to SPF 15 sunscreen instead of SPF 30+, and absence of a requirement for broad-brimmed hats. There are also no requirements to have or review a written policy. All key health institutions and experts agree that protecting children from the sun while at primary school is an important way to reduce skin cancer risk. The World Health Organization outlines specific standards for sun protection for children in primary schools, as does the Cancer Council of New South Wales.

I am aware that the New South Wales Government is currently developing a NSW Skin Cancer Plan 2011-15, which specifically notes the importance of evidence-based comprehensive sun protection policies that address scheduling of outdoor activities, shade, clothing and hats and that primary schools are a key setting where such policies should be developed and implemented. A national survey of primary schools shows that there is a strong link between a school having a written sun protection policy and more effective sun protection practices in the school. Measures such as wearing a broad-brimmed hat, using sunscreen and minimising time spent outdoors in peak ultraviolet hours are more likely to be enforced when included in a written document.

This same survey found that sun protection is accepted by schools as part of their responsibility for the wellbeing of students. Schools need to be supported in meeting this responsibility with a stronger policy and accompanying guidelines. National surveys of parents show high levels of awareness about the need for sun protection for primary school aged children and high levels of compliance while children are in their care. However, there is still considerable scope for State educational institutions and individual schools to ensure similar measures are taken while children are in their care, especially as schools are where children spend the hottest part of the day.

#### **DRUMMOYNE ELECTORATE PLAYGROUND MAINTENANCE**

**Mr JOHN SIDOTI** (Drummoyne) [10.46 a.m.]: I refer to a very important issue in most electorates, that is, children's playgrounds in open spaces. In 2007 the City of Canada Bay Council devised a Let's Play strategy that identified 23 parks of high priority that had to be fixed by 2011. To date only 12 of those 23 parks have had the work completed. Natalie Haddad, a resident of the Five Dock area, went on a mission for which the community is very grateful. She noticed that her local park was very run down. Last week photographs were taken of Russell Park which revealed a damaged seat, holes in the climbing equipment, broken swing chain coverings. Majors Bay Reserve equipment was rusty and had chipped and flaky paint. Drummoyne Park had timber cracks in the support for the flying fox, poles that had rusted at the base, broken seats and other damage.

The City of Canada Bay Council said its inspection of park equipment is carried out by a contractor. When the mayor was asked if he had confidence in the contractor's inspections he said, "I don't have a reason not to be." Meanwhile the *Burwood Scene* published several pictures that showed rust on the underside of equipment at Majors Bay Reserve, a broken seat on play equipment in Drummoyne Park and rusty handles and chipped paint on a flying fox. This is totally unacceptable. In March 2007 Natalie Haddad spearheaded a push to retain and maintain safe play equipment when she discovered that the equipment was to be removed from her local park, Croker Reserve.

In March 2007 all the equipment in Croker Park was broken. When Natalie brought that to the council's attention she discovered that the Canada Bay council had intended to remove all the equipment from the park. By December 2007, after many petitions, many letters and a number of community group meetings, the decision to remove the equipment was overturned by the council, to its credit, and the Let's Play Strategy was adopted.

The whole reason for its adoption was to strategically replace and maintain playing equipment for the benefit of the community. At last week's council meeting Natalie requested that the councillors reject the Let's Play Strategy. To have a strategy is one thing, but to deliver it is another thing. What we have seen in this place over the last 12 months is a number of strategies.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Opposition members will remain silent. Government members who have been inciting members to interrupt will remain silent.

**Mr JOHN SIDOTI:** Over the past five years Natalie has shown great interest in playgrounds within the City of Canada Bay and I commend her for all her efforts. But, as I was saying, to have a strategy in place and not to adopt it is shameful. To deliver on less than 50 per cent of a commitment from 2007 to 2012 leaves a lot to be desired. As the member for Drummoyne I attended the most recent council meeting to support Natalie in her endeavours. Natalie has fought to bring local playgrounds to a safe standard, and that is all she ever has expected. As parents of children in the electorate and as representatives all we expect is that children are able to play in a safe and sound environment. I encourage the City of Canada Bay Council to allocate appropriate funds to the Let's Play Strategy to do what the council set out to do—deliver equipment in a timely fashion. The council has not done that. People such as Natalie Haddad and other concerned residents have to fight for what has been promised. I urge the council to take on board the opinion of Natalie and the community and to fund properly the Let's Play Strategy to deliver maintenance this year to the 23 parks that were assigned high repair priority.

### CAMPBELLTOWN MENTAL HEALTH SERVICES

**Mr BRYAN DOYLE (Campbelltown) [10.51 a.m.]:** I inform the House of some of the good news relating to mental health that is happening in Campbelltown, that great opal of the south-west. I am fortunate to have a local 100-constituents member advisory panel consisting of local volunteers who provide assistance to their local member to give service to the community. Part of the advisory panel is a mental health panel comprising a number of my constituents including Ken Moroney, Sharyn Carter, Dr Poobal Naidoo, the Reverend Nigel Fortescue, Moin Kazi, Dennis Finch, Robert Garland, Ken Barnard, John Bow, Gloria Bow, Lorna Antonio, Ms Alpa-Aurelia Pamintuan, Susan Tod, Sandra McDonald, Marie Rutledge and Tanyia Harris, to name just a few.

**ACTING-SPEAKER (Ms Sonia Horner):** Order! Government members will come to order.

**Mr BRYAN DOYLE:** The mental health panel has devised a proposal for development of centres of excellence in mental health. I was proud to introduce a delegation from the mental health panel consisting of Ken Moroney and Ken Barnard to the Minister for Mental Health, Kevin Humphries, the first ever Minister for Mental Health in New South Wales. The delegation discussed with the Minister ground-level initiatives to assist in overall planning for mental health. On 13 April the Minister visited Campbelltown, that great opal of the south-west, to inspect Headspace and speak with staff and youth representatives. During the Minister's extended visit he went to the Browne Street Clinic and spoke with clinicians and staff. It was my pleasure to accompany the Minister to Harmony House, which is a special facility operated by Schizophrenia Fellowship NSW. Over several years I have had a great deal of interaction with the fellowship.

This year I was very proud to present Schizophrenia Fellowship NSW with a \$98,000 grant under the Community Building Partnership program to extend the fellowship's building and assist in its vital work by providing a much-needed learning centre in which to address mental health issues and offer training. During the Minister's visit he referred to the importance of mental health and the need for strategic planning in Macarthur, which is a great growth area of Sydney and part of the opal of the south-west. The Minister noted that, while there is a treatment unit with 60 inpatient beds at Waratah House, there is a need for a much larger facility. The Minister also recognised that the huge growth in the south-west means that more resources will be required for the Macarthur district. The President of Beautiful Minds, Sandra McDonald, said that the grant received for Harmony House would go a long way towards extending a room in which to create a work and education space. She very kindly noted that the local Campbelltown member pushed for the grant and obtained it for Beautiful Minds.

I was pleased to be the guest of honour at the See Me Hear Me Art Exhibition, which recently concluded at the Campbelltown Art Centre. The art exhibition represented a chance for people with mental health issues to contribute by displaying and communicating some of the issues associated with mental illness.

One of the great themes of the art exhibition was moving from darkness to light and from hopelessness to hope. The exhibition was sponsored by the Benevolent Society, which also does a power of good in Campbelltown, that great opal of the south-west. The general manager of the Benevolent Society is Jenny Hutchins.

I am pleased to inform the House that local Rotary clubs have been actively addressing mental health issues and are working very closely with the Black Dog Institute. Rotary has hosted two awareness seminars in the past 12 months to address youth depression. Last month I was pleased to attend the Black Dog Institute and speak to staff, especially Professor Helen Christensen, about some of the good work being carried on by the institute. I conclude my remarks by adopting the theme of the See Me Hear Me Art Exhibition—there is a movement from darkness to light in relation to mental health in Campbelltown.

### **GUNNEDAH GABA NGAYA—HEALTHY FOR LIFE PROMOTION DAY**

**Mr KEVIN ANDERSON** (Tamworth) [10.56 a.m.]: I inform Parliament House and my colleagues of a fantastic town in my electorate, Gunnedah, and an event I attended recently, the Gaba Ngaya—Healthy for Life Promotion Day at the Gunnedah Public School on Wednesday 6 June. The Gaba Ngaya—Healthy for Life Promotion Day was about bringing together service providers, schools, principals, teachers, students, parents and community members from Gunnedah to have a yarn about the services that are available in Gunnedah. There were sports drills and healthy activities with the Country Rugby League [CRL] and Australian Rugby League [ARL] development officers in attendance. There was also bush cooking and lots of other activities. The main purpose of the promotion day was to develop and target service delivery gaps in Gunnedah and outreach communities and to develop a crucial link between service providers and the local Aboriginal community.

The promotion day was held at the Gunnedah Public School, which is a great school under the stewardship of the Principal, Charles Jones. Out of the school's 135 students, 70 per cent are Aboriginal students. The promotion day was very worthwhile as it concentrated on education right across the community. A person who plays an instrumental part in the Gunnedah Public School is Wayne Griffiths, who is the school's learning support officer. I congratulate Wayne for organising the Gaba Ngaya—Healthy for Life Promotion Day. Wayne talks to the kids, is involved in community liaison, visits classrooms, talks to parents groups and organises the National Aborigines and Islanders Day Observance Committee [NAIDOC] Week. Wayne is something of a mentor and rock star at the Gunnedah Public School. When I was greeting the kids as they were going into the school hall for the promotion day it was high fives all round and "G'day, Wayne." Everybody was really pleased to see him. Wayne does a sensational job.

The promotion day was about bringing together service providers and community members to ensure that the local Aboriginal community members know where to obtain the help they need. They are advised about the programs and services that are available. The day is designed to increase awareness of program design, to increase individual social inclusion and to encourage individuals to become active members of society. It is also focused on improving the health, social and emotional wellbeing of the Indigenous community. Many health-related agencies and service providers from throughout the region attended the event. They came from Gunnedah, Carol, Curlewis, Mullaley and Boggabri to get together at a healthy, positive event and, most importantly, to showcase ideas, knowledge, information, education and feedback on a wide range of health and social issues such as anti-smoking, weight management, diabetes, disabilities, aged care, youth, animal care, child protection, domestic violence, cancer, handwashing and so on. The list is endless. Ultimately, children require healthy role models, environments and attitudes to flourish educationally and personally.

Gunnedah Public School was the perfect location for the Gaba Ngaya—Healthy for Life Promotion Day. It allowed the children, the parents and the community to access this fabulous positive event, and everyone definitely benefited. The school is progressing very well. Recently, under the auspices of the Minister for Education, the Hon. Adrian Piccoli, the Government announced that nearly \$120,000 had been provided to upgrade the school's toilet block, which had been in disrepair for many years. I made representations to the Minister and he promised to see what he could do. The funds were subsequently provided earlier this year. The work has now been completed and the block looks fantastic. I congratulate the school community on getting behind the project. Gunnedah Public School is a great school and I commend Wayne Griffiths and Charles Jones for holding this sensational educational day, the Gaba Ngaya—Healthy for Life Promotion Day. It is about giving our kids the very best possible chance to succeed in life. If we inculcate those positive messages at an early age children are set up for life. Congratulations, Gunnedah Public School. It was a pleasure to attend this special day.

## **BLUE MOUNTAINS RURAL FIRE SERVICE**

**Mrs ROZA SAGE** (Blue Mountains) [11.01 a.m.]: As the member for Blue Mountains I live in the most fire-prone area in the State, and probably in Australia. The Blue Mountains electorate has 23 Rural Fire Service units and brigades from Mount Tomah to Blaxland. These brigades are the focal point of their communities. The residents of the Blue Mountains understand the importance of the brigades and offer their continued support. I have recently visited Mount Wilson-Mount Irvine, Valley Heights and Warrimoo brigades to meet with their dedicated volunteers. Each brigade is unique in its capability and culture.

Mount Wilson-Mount Irvine Rural Fire Service serves a small community that has many weekend residents and both the permanent and weekend residents contribute to the service. This brigade is in a unique situation in that its members are also called to motor vehicle accidents as first responders and they have a community first responders unit. Due to the isolation and vulnerability of the community and the distance to the nearest ambulance and hospital the brigade, ably led by brigade captain Beth Rains and staffed by six other volunteers, plays a vital medical emergency and first-aid role. As well as their Rural Fire Service training, they train monthly with paramedics and team up with brigades nearby at Bell and Mount Tomah for regular training exercises. This area was the centre of the devastating wind storm last year and the Mount Wilson station was the only place that had power during the five-day electricity blackout.

At the annual general meeting I attended the executive positions were filled by David Howell, president, Henric Nicholas, vice president, and Susie Hope, treasurer. The operational positions were filled by Beth Raines, captain; Peter Raines—who is Beth's brother—senior deputy captain; Barry Freeman, Tim Gow, David Howell, Ian Docker and Stewart Gunn, deputy captains; Graham Tribe, training officer; Kim Gow, community engagement officer; Stephen Dean, equipment officer; and Peter Dempsey and Vie Zhukov, fire trails coordinators. Catering will be undertaken by the very capable Moira Green. Closer to home I visited the Rural Fire Service's newest facility at Valley Heights. Since moving into their new state-of-the-art building in February—the opening ceremony was held in March—Valley Heights Rural Fire Service members have been busy landscaping their block. So far they have spent an incredible 1,000 man hours relocating and landscaping. That is a mighty effort. They also participated in the two section 44 alerts at Leura and Katoomba last year and sent members to Cobar to assist with hazard reduction.

The level of support from the community is evident in the recent doorknocking campaign they organised, which raised many thousands of dollars for their operations—I think about \$7,000. During that campaign they also took the opportunity to engage with the community to organise house visits to educate the community on being fire ready. The service also participated in the Springwood Hospital fete and the Springwood Festival and had a very well attended open day, which I also enjoyed. The annual general meeting again elected a very competent team, including Bert Clarke president—who was one of the chief advocates for the new station—and Steve Price captain, who is still smiling after moving into the new facilities. Brigade members will take part in the World Firefighter Games, which will be held at Darling Harbour in Sydney this year. My local Rural Fire Service at Warrimoo also held its annual general meeting recently. Although it is a small brigade, it always punches well above its weight.

This year the annual meritorious service award was given to Toby Settee and the prestigious Marsh Brigade Achievement Award was given to Rob Croft. The Marsh award was initiated by the Marsh family, who have had a long association with Warrimoo Rural Fire Service. John and Pamela Marsh were members for 40 years. They established the award to recognise members who are often overlooked. They help in all areas and have had a longstanding commitment to the brigade. Executive members elected were Steve Barrett, president; Bob Hannigan, senior vice president; Lindsay Settee, junior vice president; Rob Croft, treasurer; Rick McLellan, secretary; Brett Batten, captain; Dave McNeill, senior deputy captain; and Brendan Croft, Bourke Field, Colin Field, Darryl Mitchell, Rick McLellan and Chris Pendergast, deputy captains. As the Blue Mountains Rural Fire Service annual general meetings continue during this month, the members and brigades reaffirm their dedication and commitment to protect the communities in which they live.

## **RUSSIAN VICTORY DAY COMMEMORATIONS**

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [11.06 a.m.]: On 9 May 2012 I was honoured to participate in a memorial service for Russian Victory Day at the cenotaph at Waverley Park alongside veterans, members of the Russian community and the member for Coogee, Bruce Notley-Smith, who is co-chair of the Government's Russian Ministerial Consultative Committee. This important and solemn memorial service marked the sixty-seventh anniversary of the surrender of the German Army to the Red Army on

9 May 1945, thereby ending the Second World War in Europe. About 28 million Soviet citizens lost their lives in the war, an estimated 20 million of whom were citizens. Children, parents, grandparents, spouses, siblings and friends paid the ultimate price for independence from Nazi Germany. Victory Day is celebrated on 9 May each year in Russia and other countries of the former Soviet Union. It is a time to remember the sacrifices made in the struggle against Nazi Germany and its allies, to commemorate the war and to honour the fallen.

Victory Day is a national holiday in Russia. A traditional grand military parade took place this year in Moscow's Red Square and the commemoration speech was given by Russian President Vladimir Putin. Victory Day is also important for people who came to Australia from the former Soviet Union. Following the Second World War many Russians arrived in Australia, settling in Sydney in particular, having obtained assisted passage while in displaced persons' camps in Europe. According to figures released following the 2006 census, the Russian community in Australia stands at about 67,000 people. The eastern suburbs of Sydney are proud to be home to the largest proportion of that community in Australia. Bondi, in particular, is home to many in that community and I am honoured to represent them, along with my colleague the member for Coogee.

Our two countries, Russia and Australia, have a long shared history. Records show that official contact between Australia and Russia began in 1807 when the Russian naval vessel *Neva* arrived in Sydney. Consular relations then began in the late 1850s and diplomatic relations officially began in 1942, which marks this year as the seventieth anniversary of our diplomatic relations. Australia has had an embassy in Moscow since 1943 and consulates in Vladivostok and St Petersburg, and the Russian Federation has an embassy in Canberra, a consulate general in Sydney and consulates in Brisbane and Adelaide.

My thanks and congratulations go to the Russian branch of the New South Wales Association of Jewish ex Servicemen and Women, the Russian-speaking association *Sootechestvenniki*, the Russian weekly newspaper *Horizon*, and Waverley Council on organising this important commemoration. The large attendance at the commemoration included Rabbi Ulman, Minister of the Friends of Refugees of Eastern Europe; Allan Vidor, President of JewishCare; Claire Vernon, Chief Executive Officer of JewishCare; Semyon Pinchuk, publisher of Horizon Media Group; Eugene Kovarsky, editor of *Horizon News*; and Vladimir Gychana, editor-in-chief of the *Unification Russian* newspaper. Together with my Liberal councillors from Waverley Council—Sally Betts, Tony Kay, Joy Clayton and Leon Goltsman—I was proud to share in such a significant commemoration. I continue to look forward to a very close relationship with the Russian community in the seat of Vaucluse. I commend my private member's statement to the House.

### **SYMBIO WILDLIFE PARK**

**Mr LEE EVANS** (Heathcote) [11.11 a.m.]: I speak today in support of a treasured institution of the Heathcote electorate, Symbio Wildlife Park. This unique miniature zoo has operated in the suburb of Helensburgh near the Royal National Park since 1975. The zoo has recently developed a number of exciting proposals for expansion. It has been my great pleasure to support these expansion plans and the park's bid for funding through programs such as the Illawarra Region Innovation and Investment Fund. Despite Symbio's relatively small size and quiet suburban setting, it has become a prominent tourist attraction, drawing visitors from beyond the Illawarra, interstate and abroad. Just 45 minutes south of Sydney and 30 minutes north of Wollongong, it is an ideal location for family outings and day trips. It also has great potential to attract more visitors who will be encouraged to stay longer in the area.

Over the past 11 years the park has established itself as an important link between the major zoological parks in Australia and several international animal conservation facilities. The park is home to more than 1,000 animals. Visitors are offered encounters with koalas, wombats, meerkats, Tasmanian devils, galahs, crocodiles and even the incredibly rare Sumatran tiger. The acquisition of Sumatran tigers confirmed the tiny zoo's status as a high achiever in the conservation stakes, as this species was listed as critically endangered in 2008. It is believed that today there are no more than 350 Sumatran tigers remaining in the wild and approximately 361 living in zoos around the world.

A small, family-owned business, Symbio Wildlife Park has developed a reputation for integrity and remarkable commitment to its purpose as a centre for education, conservation and tourism. This dedication has been rewarded throughout the years with prestigious awards and accolades. I believe Symbio also deserves recognition from the New South Wales and Federal Governments. The proposed redevelopment and restructure of the park will see the creation of an "African savannah" area, which will house lions, zebras and cheetahs in natural habitats. The zoo would also like to introduce penguins, otters and other species to assist a nationwide sustainable breeding program. The redevelopment also will enhance amenities, with new pathways, picnic areas and other facilities for visitors. While remaining committed to the survival of endangered exotic species, Symbio would like to expand its domestic stock and enhance visitor encounters with farm animals.

A proposed project called an "Australian Farm Experience" will give patrons an insight into the history and day-to-day reality of farming in Australia. It will provide an authentic hands-on, day-on-the-farm experience, which will have a broad appeal to school students, families and international guests. Species being considered for this project include alpacas, llamas, sheep, goats, miniature pigs, miniature ponies, miniature donkeys, light Sussex hens, turkeys, ducks, geese, rabbits, guinea pigs and even rats and mice. Activities will include baby animal bottle feeding, egg collection, sheep shearing, goat milking, rainwater harvesting, worm farming and planting and maintaining vegetable gardens. In addition to the important lessons on Australia's cultural heritage, it is hoped that children will embrace the rare opportunity to connect with nature and gain some appreciation for the value of fresh produce.

These projects are perfectly aligned with the aspirations of the Illawarra Region Innovation and Investment Fund. The stated aims of the fund are to support the region by stimulating investment and diversifying the economic and employment base. I firmly believe that Symbio's projects will do exactly that, with the added benefit of encouraging more visitors to come and spend time and money in this beautiful part of the world. If Symbio Wildlife Park is assisted to grow and prosper I can foresee a small district flourishing with a strip of restaurants, cafes, galleries and shops. It would be a great shame if it did not now receive the support required to reach its full potential. I urge every member of this place to visit Symbio Wildlife Park. I support the funding and expansion of this wonderful New South Wales asset.

### **SISTER BARBARA McDONOUGH BUILDING OPENING**

**Dr GEOFF LEE** (Parramatta) [11.16 a.m.]: It is a pleasure to speak about the honour I was given last week of attending the blessing and opening of the Sister Barbara McDonough Building at Catherine McAuley Westmead school. The opening of the Sister Barbara McDonough Building was well attended. Among the honoured guests were the Most Reverend Anthony Fisher, OP, Bishop of Parramatta; Reverend Father Wim Hoekstra, Chaplain; Mr Gregory Whitby, Executive Director of Schools for the Parramatta diocese; Sister Barbara McDonough, RSM; Ms Margery Jackman, Principal of Catherine McAuley Westmead; Ms Jacinta Tobin, the Aboriginal representative; and Ms Julie Owens, MP. Bishop Fisher blessed the building at the opening. He walked through the school and blessed each classroom where the students were in attendance. The building is a \$13.4 million investment by the Catholic school system, which was made possible with \$4.5 million Federal funding and \$8.9 million from the community.

The community is to be commended in that almost \$9 million was raised towards the building through family, friends, volunteers and parents. It is an indication of the hard work and generosity of the community and of the goodwill associated with Catherine McAuley Westmead. The principal, Ms Margery Jackman, recollected that the project started in 2010 and was built during school terms. She said it was very difficult to build during a time of heavy rainfall and lessons and examinations. However, the building was completed in time for the first day of classes in 2012. The building, designed under architect Charles Glanville, provides new, state-of-the-art learning spaces. The learning spaces include commercial catering facilities as part of the school's vocational education and training [VET] opportunities, which are afforded to the students who choose that course.

The new building offers state-of-the-art media throughout the classrooms. I am pleased that the Catholic Diocese of Parramatta, which oversees 78 schools, quickly adopts new technology. The classrooms have facilities such as broadband and smart boards. The Catholic schools approach to education in Parramatta is to enhance teaching and learning and to develop students' critical thinking and analytical skills. To achieve these goals, students are provided with an immersive web-based learning environment in each room. This technology was utilised during the opening ceremony. As not all the students were able to attend, the ceremony was beamed into the classrooms so that they could all be a part of it. That shows the nexus between the state-of-the-art developments, the immersive web atmosphere and the technology focus of the school.

The Sister Barbara McDonough Building was named in recognition of Mercy Sister Barbara McDonough's 80 years of selfless dedication to Catholic education. Sister McDonough, who was the principal of the school from 1984 to 1987, ensured that the best environment for girls and young women was provided at the school. The Catherine McAuley school, which was founded in 1966 by the Parramatta Sisters of Mercy, has a dedicated teaching staff of 75 and caters for 1,040 students who have come from 55 different primary schools. The school focuses on justice, respect and involvement and a love of learning is encouraged. In 2010 its students excelled in literacy and numeracy, achieving results in the top three bands of the National Assessment Program—Literacy and Numeracy [NAPLAN] tests. The school is part of an education and learning precinct at

Westmead. It complements Mother Theresa Primary School, led by principal Gary Borg, and Parramatta Marist, led by principal Brother Patrick Howlett. Students in this precinct are afforded the very best opportunities in education. I commend Catherine McAuley Westmead for its contribution to the community.

### **NSW BAREFOOT WATER SKI CLUB**

#### **SOUTHERN DISTRICTS SOCCER FOOTBALL ASSOCIATION**

**Ms MELANIE GIBBONS (Menai)** [11.21 a.m.]: Today I will share with the House the activities of two local sporting organisations, both worthy beneficiaries of Community Building Partnerships grants, within the Menai electorate. First, a hidden jewel, and only a short drive from my electorate office, is the home of the NSW Barefoot Water Ski Club. I will not pretend that I knew much about this sport before my visit to the club but, for those who are also unaware, barefoot waterskiing is not a sport for the faint-hearted.

**Mr Charles Casuscelli:** No, it isn't.

**Ms MELANIE GIBBONS:** No, it is not. The club members ski barefoot while being towed behind a boat and points are awarded for the technical and creative moves that a skier is able to pull off. The club currently operates from the banks of the Georges River at Helles Park, Moorebank. This site has been home to many current and previous Australian and world champions, including Dodd Dwyer, John Pennay, Robert Blaauw, Brenton Crouch, Nathan Forge, Tim Failes, Gavan Beattie, Gizzie Hallasz, Donna Schmidt and Colleen Thompson, formerly Wilkinson. This site, which has a proud history of producing exceptional skiers, is considered to be one of the top four sites in the world. It has access to one of the best wind-protected stretches of water in the world for barefoot waterskiing and the conditions are ideal for skiers at all levels to practise, train and compete at competition levels. When I attended in April to witness the club in action, the fiftieth Australian nationals were in full swing and competitors and their loyal supporters had converged on the site from around the nation. It was not only a boost for the club, it was also a boost for local business to accommodate, feed and entertain the national competitors during their stay.

The Helles Park site was discovered by Nick Hunt and Graeme Dwyer. Before becoming the barefoot waterskiing haven that it is today, the site had to be made compliant so it was safe enough for skiing—including the removal of rubbish and dumped cars from the river—and a great deal of red tape dealt with. The erection of a boat ramp and clubhouse in which to store the boats and equipment soon followed. In fact, I only learnt about the club following its application for a Community Building Partnership grant to waterproof the clubhouse. This grant will allow the club to install adequate waterproofing to protect the building, the boats and the memorabilia. On my visit I was shown the original drawings of the long-awaited clubhouse. The plans show an impressive two-storey building overlooking the banks of the Georges River to provide a home in which to display trophies and hold meetings.

Unfortunately, the clubhouse remains incomplete. The first floor was completed but the second floor was not because of ground subsidence. There was never meant to be a roof on the first floor and, as such, the building was never sealed. Every time it rains—no doubt they will be experiencing some rain at the moment—the roof leaks. Water has damaged numerous pieces of equipment and records. Everything needs to be raised off the ground. The waterproofing, while not providing the intended second floor, will mean that the office and storerooms are protected from the weather. Two world championships have been hosted at this site and the club hopes to host a third in 2013. The club's goal is to be the premier barefoot waterski club in Australia, and I have no doubt it will achieve its goal.

The Southern Districts Soccer Football Association was successful in its application for new security fencing for its amenities and clubhouse at Ernie Smith Reserve, Moorebank. The club's impressive grounds are quite isolated and thus they are an easy target for vandals. The fence will help to protect the clubhouse from intruders and thereby protect its assets. Its first building was the subject of arson a few years ago. Since then the club has sought to protect the building from unwanted visitors. Last December, Southern Districts returned to the Ernie Smith Reserve with its upgraded change rooms, a new conference room, indoor catering and canteen facilities. The return to these grounds coincided with the sixty-fifth anniversary of the association and entry into the Football NSW Women's Super League competition.

The Southern Districts Soccer Football Association is run by passionate local sportspeople who are committed to encouraging kids, teens and adults to be involved in sport. I had the pleasure of meeting secretary Ron Hughes and vice president John Vukasin, who are both passionate sportspeople. Ron is a fierce advocate

for the association and is active in the local sporting community. He is a member of the Liverpool Council Sports Committee and is always working to expand the opportunities for local sports groups in the Liverpool area. I could not help but be impressed by Ron's enthusiasm not only for football but also for getting kids involved in any sport. The association shares the grounds with the Fairfield-Liverpool Cricket Association, the Moorebank Liverpool District Hockey Club and Liverpool Oztag. Ron ensures that the clubs work together for the benefit of all players and they do not discriminate based on the sport.

I was particularly impressed by the push to encourage more girls' competitions in a traditionally male-focused pursuit. The Southern Districts Soccer Football Association has also partnered with Special Needs Ability Program Providers [SNAPP] to provide varied sporting opportunities for people with a disability. I am told that the number of smiles of the participants is evidence of the worthiness of this program. The Southern Districts Soccer Football Association is much loved and many loyal supporters give of their time freely. Even the grounds are maintained by a volunteer greenkeeper. It was a pleasure to get to know about this wonderful association and I look forward to catching a game or two in the near future. I congratulate both organisations on their successful applications.

### STATE BUDGET

**Mr JAI ROWELL** (Wollondilly) [11.26 a.m.]: Today I speak in support of the 2012-13 State budget and in so doing I praise the Treasurer, the Premier and the Cabinet on delivering a responsible budget in tough economic conditions. The budget is about building infrastructure for our State. Over the past year I have fought very hard to ensure that the residents of Wollondilly receive their fair share; this budget is good news for them. In my time as the member for Wollondilly many constituents have spoken to me about the poor quality of the roads in my area and the need for sewerage connections to towns such as Bargo. Bargo has been waiting for more than a decade, due to the neglect of those opposite, for a sewerage connection. It is with much pleasure that I inform the House and the residents of Wollondilly that significant funding has been allocated in this year's budget for my electorate. The residents of Wollondilly will now benefit from improved roads, sewerage connections and hospital upgrades, among other projects. Such projects are vital to the everyday life of local families and to service our growing population, as well as to help improve daily travel to and from work.

I commence with Picton Road, which is a notorious road for serious accidents. In recent years there have been more than 20 fatalities, many involving young drivers. I have always advocated for this vital link road to receive safety upgrades, and during the election campaign I made a commitment to do just that. The Premier and I made a commitment of more than \$12 million in funding, hoping that the Federal Government would commit similar funding, and that this work would commence immediately post the election. This year the O'Farrell Government will provide an additional \$11.6 million in funding to further upgrade the road and to plug the gap left by the Federal Government's inability to commit similar funding.

The O'Farrell Government is fast developing a reputation for implementing measures that the former Labor Government neglected, and road funding is no exception. Work has already begun on the widening of Narellan Road—another election commitment—which those opposite opposed. Geoff Corrigan, the former member for Camden, called the upgrades "ludicrous", despite the community pleading for someone to listen to them. This Government has listened and a link road running through my electorate will now be widened. This will cut congestion on the road, it will cut travel times and it will cut the time that commuters spend away from their families. Camden Valley Way also received significant funding in the budget. This funding will ensure that this vital road is upgraded a year earlier than scheduled. The M5 will be widened to accommodate high traffic volumes heading to and from the city. In comparison with last year's budget, program funding for local, regional and State roads in Wollondilly has increased by \$1 million.

These are all positive signs that the Government is listening and that Wollondilly is finally getting its fair share. As I mentioned previously, the budget also featured funding for sewerage connections to towns in Wollondilly to help ease cost-of-living pressures. Until this Government changed the operating licence, until it scheduled planning works, until it decided to listen to the people instead of neglecting them, as members opposite did, the residents had no escape from financially crippling pump-out fees. Total funding for sewerage works in Wollondilly is more than \$42 million in this budget alone, which is why I am pleased to report to residents that help is on the way.

Other notable allocations in the budget include Picton station upgrade as part of the \$148 million Transport Access Program, helping to improve access to local trains; \$26.6 million to continue the Campbelltown Hospital redevelopment, which has a total estimated cost of \$139 million to ensure that residents

in our region have a modern, first-class hospital to service our growing population and provide a state-of-the-art training ground for medical students at the University of Western Sydney, which I visited only last week; \$5.4 million for approximately 85 more nurses for the South West Sydney Health District; \$3 million to purchase land for new accommodation for people with disabilities in Campbelltown; \$214,000 to build a new entrance to the Dharawal National Park at Appin to showcase the natural beauty that we are so fortunate to have in Wollondilly—another key election promise delivered in our first year—and \$2.8 million for Sydney catchment major works, including Warragamba Dam.

The budget also includes a \$30 million boost to our local government infrastructure renewal scheme, which helps councils with the borrowing costs on loans to address infrastructure backlogs. Wollondilly Shire Council is one of the 69 councils across New South Wales that applied for funding in the first round. First home buyers in Wollondilly will be \$19,245 better off when they buy a new home under the new Building the State package to boost housing construction, which promotes job creation and stimulates the local economy not only in Wollondilly but also in our entire region. This is good news. The budget is a good budget for the people of Wollondilly and the people of New South Wales. We have delivered so much already in our first year and a bit, and the new budget allocations will ensure that we continue to deliver for the hardworking families that call Wollondilly home.

**Private members' statements concluded.**

**TOBACCO LEGISLATION AMENDMENT BILL 2012**

**Second Reading**

**Debate resumed from 12 June 2012.**

**Ms MELANIE GIBBONS** (Menai) [11.32 a.m.]: I support the Tobacco Legislation Amendment Bill 2012. This is one of the most progressive reforms seen in Australia and in the world, and shows that the O'Farrell Government, with our Minister for Health, is leading the way in tobacco control measures. Given all that we know about smoking and the health impacts for the smoker and those around them, this legislation is necessary. People may see it as taking away their rights; but I see it as a necessary measure to protect people. After all, smoking is the leading cause of premature death and disability in New South Wales. It is hard to believe that smoking accounts for about 5,200 deaths and 44,000 hospitalisations each year. The cost to New South Wales is estimated at \$8 billion. That is the financial cost. Imagine what that money could be put to instead—so many other opportunities that are wasted on this habit and its effects. While there is a financial cost associated with smoking, it does not take into account the emotional toll on family and friends.

I empathise with the advertisement on television at the moment in which the little girl is talking to her father, who is in a hospital bed struggling with lung cancer; she says, "You should've been there, dad." Hopefully, this bill will mean that more dads, mums and other family and friends can be there. While it may mean extra effort for a smoker to walk away from a playground to have a cigarette, it may also mean that the effects of passive smoking can be reduced. Hopefully, that extra effort will encourage a smoker to give up the habit. The Legislation Review Committee considered the issue that this bill may trespass on personal rights and liberties, but it agreed that public policy of this nature should always consider the effects of this activity on bystanders—in this respect, the effect of passive smoking on other individuals, their comfort and their health.

It requires a balance of competing liberties: legally smoking or the right to enjoy a smoke-free environment. The committee agreed that there is a broader public interest. I am still a councillor on Sutherland Shire Council. At a local government conference I noticed the Cancer Council partnership program with councils to reduce smoking in the community. At Sutherland, with the Cancer Council and the Heart Foundation, we have been working on how to make council facilities into smoke-free areas. I am pleased to say that it received unanimous support from the council. The bill will save the council from writing its own rules and enforcing regulations that could be different in neighbouring areas, could cause conflict or be confusing.

This bill helps ensure consistency. The bill proposes to amend the Smoke-free Environment Act 2000 to make the following public outdoor places smoke-free areas from January: within 10 metres of children's play equipment; swimming pool complexes; spectator areas of sports grounds or other recreational areas while organised sporting events are being held; railway platforms, light rail stations, ferry wharves, bus stops, light rail stops and taxi ranks; within four metres of a pedestrian access point to a public building; and, from 2015,

commercial outdoor dining areas. This will all be done with the appropriate education and assistance. For example, on 30 May \$200,000 was put towards six anti-tobacco projects to reduce smoking rates among Arabic speaking communities, as well as the Chinese and Vietnamese communities and other culturally diverse populations. This was done by the Minister and the Department of Health, in conjunction with the Minister for Citizenship and Communities, and Minister for Aboriginal Affairs, to draw attention to World No Tobacco Day.

While 14.7 per cent of the general population still smoke, these communities have between 20 per cent to a huge 39.3 per cent of smokers. Obviously we need to do more to help and to ensure that our messages and campaigns are culturally relevant. The Government will work with businesses and the community to educate and support them during this change. The fact that changes to outdoor dining areas are put back to 2015 is evidence that this needs to be a joint effort and one that is not aimed at impacting negatively on the business community. The New South Wales Liberal-Nationals have led the way in tobacco control measures, with the Greiner and Fahey governments the first in Australia to ban smoking in public offices and tobacco advertising at sporting events, and other anti-smoking measures. Importantly, the New South Wales Liberal-Nationals have supported all tobacco control legislation introduced into this Parliament, and the O'Farrell Government supported the Federal Government's plain package legislation.

I remember when the no smoking ban was first enforced in this building. We have smelt the difference between Parliament House being a smoking workplace and being a non-smoking environment. I think the staff in this building are much better and much healthier for that. This legislation is one of the most progressive tobacco reforms ever seen in Australia. It is the latest in a long history of legislation to curtail smoking and rein in the rate of diseases associated with smoking. It should reduce the harm that tobacco inflicts on our community. Obviously that is a key priority for the New South Wales Government. As the Minister for Health said, the distress and cost that smoking inflicts on families and the burden this imposes on the health system is simply unacceptable.

This legislation sends a message to the community about the dangers of smoking. With smoking being the leading cause of premature death and disability in New South Wales, it is imperative that we increase the range of smoke-free areas to protect children, families and workers from the effects of second-hand tobacco smoke. Recently I learnt that 90 per cent of the people who are hospitalised due to second-hand smoke are children. This should not be the case for innocent children. Liverpool local government area, which covers half of my electorate of Menai, has an incredibly high rate of asthma. We should be doing all we can to help protect these children. Public sporting fields and other recreational areas where children play sport are environments in which adult smoking sends a message that is directly inconsistent with the promotion of exercise and healthy lifestyles. This is why we need to introduce stronger measures to protect our children.

How can we set a good example for future generations when we currently allow children to be around second-hand smoke in public areas? Currently we let them witness people lighting up and smoking, and damaging their own lungs and those of the people around them. It does not set a good example, and we should be doing everything we can to curtail that. For more than 85 per cent of New South Wales adults who do not smoke and are exposed to second-hand tobacco smoke in public places, this is the right thing to do. Smoking will be prohibited in enclosed public places from 7 January 2013. To give up smoking would be a good New Year's resolution and for others not to be around smokers or have the temptation to smoke would be a good start to the year.

Many in this Chamber would have seen the changing face of social smoking. Smoking in planes and offices is very much a thing of the past and indeed is hard for us to imagine today. I am pleased that children today are growing up without being exposed to smoking in planes and offices. I am pleased to see the shift towards non-smokers—protecting them in their daily lives—and the changing face of social smoking. The bill is an important step towards denormalising smoking in our society. We all know that smoking is addictive and often considerable assistance is required to break the habit. I hope that in taking this step to protect others from the dangers of passive smoking we may help smokers break this dangerous habit too. I commend the O'Farrell Government and the Minister for Health for introducing this important legislation. I hope it has the intended consequence of helping support our economy, and our families and our friends in breaking this dreadful habit.

**Ms CLOVER MOORE** (Sydney) [11.41 a.m.]: I support the Tobacco Legislation Amendment Bill 2012, which will ban smoking in playgrounds, public sportsgrounds, swimming pools, public transport stops and entrances to public buildings from 7 January next year and in outdoor dining areas from 2015, although I wish that were sooner. We know the devastating impacts of smoking on health, such as the increased risks of heart disease, various cancers, diabetes and emphysema. While smoking rates are decreasing in the general

population, many people continue to smoke and take up smoking, particularly younger people, low-income single parents, Aboriginal people, people in prison, people with a mental illness and people with a drug addiction. The impacts of smoking on the environment and health affect many members of the community.

The City of Sydney regularly receives complaints about cigarette litter and second-hand smoke, primarily from smoking outside central business district office blocks, areas that children frequent, on benches in parks or plazas, and outside licensed premises. Managing smoking in the public domain is a major challenge. The city undertakes a number of actions, including the Zero Waste Partners program, Butt Blitz campaigns, enforcement of littering offences, enforcement of ashtray provision and installation, refusal of tobacco sponsorship, prohibition of tobacco sales and promotions from mobile sites and provision of an outdoor dining ashtray. But councils can only prohibit smoking in public places by placing ordinance signs in each location. This involves a significant number of signs and would require the public to self-regulate by choosing to comply with signs to police smoking by others because signs can only be enforced if smoking is witnessed by a council ranger. This is not effective; rangers cannot be stationed in every place and the proliferation of signs would clutter the busy public domain.

Some councils have imposed bans in outdoor dining areas by making it a condition of consent, but this cannot be retrospective, which means that new venues would be subject to rules that older venues are not. Bans can be imposed when footway licences come up for review, but these come up every three years and this approach would also create inconsistencies among the venues, punishing some over others. These approaches create inconsistencies among council areas and therefore community confusion. The New South Wales Heart Foundation's 2010 survey of smoking policy by councils highlights discrepancies. Out of 152 councils, 75 have smoking bans at playgrounds, 22 at outdoor dining areas, 35 at pools and 13 at bus shelters. This bill, fortunately, will create a uniform ban at outdoor areas where the impact of second-hand smoke is of great concern, thus sending a consistent message across the State of areas in which smoking is prohibited without the need for ordinance signs or specific conditions of consent. That will be very welcome.

The bill supports the policies of peak health and smoking bodies on exposure to second-hand smoke, and will enhance the capacity of local councils to manage smoking outdoors more effectively. The public will get clear information on where smoking is unacceptable no matter where they live in New South Wales. Statewide bans in Queensland and Tasmania for outdoor dining areas or the entrances of public buildings, for example, demonstrate that statewide laws can improve outdoor smoking management. I welcome the Government's targets to reduce smoking rates. Stronger targets for Aboriginal people will require funding for supportive and culturally appropriate smoking cessation services and I welcome this as a priority area in the Government's discussion paper on tobacco control last year.

Another issue that the Government will need to address is second-hand smoke in apartments. Apartment living is the fastest-growing form of housing in Sydney and it is essential that there are adequate protections to ensure that it is a healthy and sustainable form of living. Many of my constituents contact me about smoke seeping into their homes from neighbours' balconies when their windows are open or through air vents within their homes. More families are moving into apartments and second-hand smoke is a particular concern to those families with young children. Everyone deserves access to a smoke-free home and I hope the Government is able to ensure this through either smoke-free or strata legislation. I support the bill. It will reduce public exposure to harmful second-hand smoke and I commend it to the House.

On a personal note, I come from a long line of addicts. My grandmother took up smoking. My mother, my sisters and in fact my whole family were smokers. When we were living in London I was told to stop smoking. I had a very severe bout of bronchitis and the doctor told me I would be dead in 10 years if I continued to smoke. I had a child and a husband, so I stopped. It was the hardest thing I have ever had to do. It took me two years to get over it. I used to sit near smokers to imbibe over that two-year period; it was just terrible. I know how hard it is for addicts; they have my absolute support and compassion. We need to do everything we can to support them.

These measures, which make one feel such an outsider because smoking is not supported, can really help, and they can help everyone else. When I was in London and I found out I was pregnant, I was told that a good thing to do if I wanted to breastfeed was to have a cigarette to help me relax. That is how far we have come. After I had my baby I remember sitting in a maternity ward in a wonderful little hospital in Hampstead in London with all the mums smoking; it was just incredible. Now that we know how bad smoking is for you and how hard it is for people to give it up, we must do everything we can to assist them. This might be the most important thing the Minister is doing for community health so I commend her for this initiative. The community supports her and I commend the bill to the House.

**Mr TONY ISSA** (Granville) [11.46 a.m.]: I acknowledge the Minister for Health, who is in the Chamber, for her hard work and reforms in health. She is working hard to build hospitals in New South Wales to make people healthy. I take my hat off to her for her hard work. I support the Tobacco Legislation Amendment Bill 2012, introduced on 31 May 2012, which amends the Smoke-free Environment Act 2000 and the Health Services Act 1997. The purpose of this bill is to make designated outdoor areas smoke free. These designated areas include areas within 10 metres of children's play equipment, swimming pool complexes, sportsgrounds and recreation areas where organised sporting events are held, railway platforms, light rail stations, bus stops and taxi ranks. The bill also prohibits smoking within four metres of a pedestrian access point of a building.

I was pleased to be a part of the decision that Parramatta City Council took recently to ban smoking in outdoor dining areas. After widespread consultation with the community, a 12-month survey indicated that 80 per cent of the general public supported outdoor dining areas being smoke-free zones. I am pleased to see the O'Farrell Government leading the way in tobacco control measures and introducing new legislation into the Parliament. The New South Wales tobacco strategy is one of the most progressive tobacco reforms ever seen in Australia. I again thank the Minister for that. It is important to note that in 2015 the ban on smoking will be extended to all commercial outdoor dining areas, similar to the ban adopted by Parramatta City Council earlier this year.

I commend the Minister for Health for doing everything possible to reduce the harm that tobacco inflicts on our community. Smoking-related illnesses account for 5,200 deaths and 44,000 hospitalisations every year in New South Wales. The total cost of healthcare for smoking-related illnesses is estimated to be more than \$8.4 billion dollars a year. This bill also proposes to amend the Health Services Act 1997 to enable local health districts and statutory health corporations to make by-laws prohibiting smoking on the grounds of health facilities, such as hospitals and community health services. If such by-laws are made, the bill makes it an offence under the Smoke-free Environment Act to smoke on the grounds of health facilities.

The bill has been informed by a comprehensive public consultation process. The Strategic Directions for Tobacco Control in New South Wales 2011-2016 discussion document was released by the Ministry of Health for public consultation between November 2010 and November 2011. The discussion document proposed action for the Government by way of introducing smoke-free outdoor areas. A total of 802 submissions were received from publicly known government organisations, health advocates, government agencies and industry. The Ministry of Health hosted a consultation forum on the proposal, which was attended by more than 40 representatives of industry, public health and government agencies to express their views.

The Tobacco Legislation Bill 2012 is widely supported by the New South Wales community. The most recent survey conducted by the Health Foundation found that 89 out of 152 New South Wales local councils have already adopted some form of outdoor smoke-free policy in their local area in response to community demand. I am pleased to say that Parramatta City Council was one of them and that I was part of the group that made that decision for reform in the city. A comprehensive community education campaign will be conducted prior to the commencement of the new smoke-free law to ensure a higher level of awareness and compliance across the New South Wales public and business community. Information will be available via press and radio announcements in metropolitan and regional areas. The NSW Health website will be a key source for relevant and updated information on the new law.

The bill will come into effect on 7 January 2013, while the ban on smoking in commercial outdoor dining areas will commence on 6 July 2015. Over the next three years the Government will work with licensed premises, restaurants, cafes and other commercial food providers to ensure they are well prepared for the new law affecting commercial outdoor dining areas. NSW Health authorised inspectors will monitor complaints with the new ban on smoking in certain outdoor public places. As I stated earlier, a comprehensive community education campaign will be conducted because the Government knows from past experience that sometimes it takes time for people to accept the new laws. A penalty of up to \$5,500 will apply if a person is found to be smoking in a commercial outdoor dining area. The Government has carefully selected the proposed new smoke-free outdoor areas based on a number of sources and evidence, including feedback from 802 submissions and from community support identified from surveys and survey research.

Surveys indicate that smoking rates in New South Wales were at their lowest level in 2011 and that 14.7 per cent of adults aged 16 years and over were occasional smokers. The Government aims to reduce smoking rates by 3 per cent by 2015 for non-Aboriginal people and by 4 per cent for Aboriginal people. I am pleased to advise that the New South Wales Tobacco Strategy 2012-2017, which was released in February this

year, details a comprehensive work program designed to achieve this ambition of a targeted reduction in smoking. The O'Farrell Government will continue to work with businesses and the community to educate and inform them about the changes. The New South Wales Liberal and National parties have led the way in tobacco control measures.

The O'Farrell Government supports the Federal Government in its plain packaging legislation. The Greiner and Fahey governments were the first in Australia to ban smoking in public offices and tobacco advertising at sporting events. The New South Wales Liberal and National parties have supported all tobacco control legislation introduced to this Parliament. I am pleased today to be part of a Government that has carried out so much reform over the past 15 months since it came to power and is doing its best for the people of New South Wales. The Minister for Health is out in the field every day consulting people and listening to the needs of the community. She has talked to industry and organisations so that the Government can present a reform to suit the people of New South Wales. I am happy to commend this bill to the House.

**Mr STUART AYRES** (Penrith) [11.55 a.m.]: I support the Tobacco Legislation Amendment Bill 2012. It is good to see legislation such as this coming to the House because, as many speakers have said, we are aware of the significant cost of smoking to the community and the risk it poses, particularly for people who do not always get to make decisions about their lives such as young people and children. Second-hand smoke can have an impact on them. The bill amends existing legislation relating to a smoke-free environment to further protect the New South Wales community from exposure to second-hand tobacco smoke in certain outdoor public areas. It proposes amendments to the Smoke-free Environment Act to prohibit smoking in outdoor public areas within 10 metres of children's play equipment in public spaces, public swimming pools, spectator areas at sporting grounds and other recreational areas during organised sporting events, at public transport stops and platforms including ferries and taxi ranks, and within four metres of pedestrian access points to a building. From 2015 it will apply to commercial outdoor dining areas.

The bill is an extension of a policy platform that has been outlined by the O'Farrell Government and led by Minister for Health Jillian Skinner. We saw the establishment of the New South Wales Tobacco Strategy 2012-2017, which was the forerunner to this legislation. It outlines a number of objectives of the O'Farrell Government. It is worth noting that in the NSW 2021 plan the Government has set some targets for reducing smoking rates. They include a reduction of 3 per cent by 2015 amongst non-Aboriginal people and 4 per cent among Aboriginal people. There is also an objective to reduce the rate of smoking amongst non-Aboriginal pregnant women by 0.5 per cent a year and by 2 per cent a year for pregnant Aboriginal women. This is about ensuring that the Government puts in place a platform to engage with the community about how we can tackle the adverse effects of tobacco and smoking.

It is important to recognise people who have championed this cause locally. In Penrith the local Cancer Council has been a strong advocate for tightening legislation to improve community access to particular facilities. It would be remiss of me not to recognise the work of a local advocate, Vanessa Austin, who has had a high profile in the Penrith region in advocating for stronger tobacco legislation, particularly for areas around public buildings and community facilities, many of which are addressed in the bill. Vanessa has been a strong advocate of banning smoking in access areas to public buildings—a good example of this locally would be the Penrith Plaza—and hospitals. Vanessa also has advocated strongly for reducing the effects of second-hand smoke in community facilities such as playgrounds and sporting areas. I am sure that when the bill passes this House, people like Vanessa Austin and the hardworking volunteers who have supported the local Cancer Council in Penrith will feel somewhat vindicated in their long-term campaign.

It is also worth recognising that this legislation is a continuation of a strong approach to tobacco legislation in New South Wales. As we have seen from the tobacco strategy, there have been significant improvements over time in smoking rates and exposure to smoke. Since 1997 there has been a significant decrease in the proportion of adults who are current smokers, from 24 per cent to 15.8 per cent. Smoking by secondary school students has declined by 6 per cent. Nine out of 10 adults live in a smoke-free home. Lung cancer rates have fallen to the lowest level since the 1960s and there has been significant investment by both sides of politics in public education campaigns. This legislation will continue that push. Most members recognise that prohibition does not work and that we should continue to invest in education, tighten laws concerning the areas in which people can smoke and ensure we protect those who do not smoke from second-hand smoke.

The Government, led by the Minister for Health, has consulted widely across a number of industries and community organisations to ensure it provides appropriate protection for businesses to transition into the new legal arrangements. In transitioning into this new legal framework we must ensure that New South Wales does not disadvantage its own businesses by getting too far ahead of the other States—we must maintain consistency with the other States. We must maintain uniformity in other policy and portfolio areas and at the same time ensure that this State continues to be a leader in tobacco legislation. On introducing this bill the

Minister's work and consultation with the community sent a clear message that smoking, which is bad for our health, costs this State and Australia a significant amount of money that would be better spent elsewhere. We must continue to encourage people to stop smoking. I applaud the strong community advocacy to reduce second-hand smoking in public areas, which is what this bill will do. I commend the bill to the House.

**Mrs JILLIAN SKINNER** (North Shore—Minister for Health, and Minister for Medical Research) [12.02 p.m.], in reply: I thank all members who spoke in debate on the Tobacco Legislation Amendment Bill 2012, in particular, Government members representing the electorates of Port Macquarie, Drummoyne, Tamworth, Myall Lakes, Orange, Rockdale, Blue Mountains, Granville, Monaro, Bathurst, Dubbo, Davidson, Menai, Smithfield and Penrith, Opposition members representing the electorates of Macquarie Fields and Lakemba, and the Independent member for Sydney. The fact that so many members spoke in debate on this bill indicates their support for this legislation, reflects the community attitude towards tobacco smoking, highlights the Government's attempts at restricting those areas in which people can smoke and encourages people to stop smoking or not to take up smoking in the first place.

If this bill becomes law—and I believe that it will—from 7 January 2013 families across New South Wales will be able to use their local playgrounds confident in the knowledge that smoking will not be permitted within 10 metres of play equipment. They will know that there is no safe level of exposure to second-hand smoke, that second-hand smoke causes irritation and illness for adults, and that it exacerbates existing conditions such as bronchitis and asthma. The bill proposes to amend the Smoke-free Environment Act to prohibit smoking in the following outdoor public settings: within 10 metres of children's playground equipment, in outdoor public spaces, public swimming pools, spectator areas of sportsgrounds and other recreational areas, at public transport stops and platforms, including taxi ranks, within four metres of a pedestrian access point to a building, and in commercial outdoor dining areas.

The bill also proposes an amendment to the Health Services Act to enable a local health district or statutory health corporation to enact by-laws to prohibit smoking on health grounds. I note from feedback from some chief executives that they cannot wait for this bill as it will strengthen their capacity to enact such by-laws. Last week the director of nursing and the general manager of a hospital that I visited commented on the cigarette butts that were to be found at the entrance to that hospital which was disgraceful. I believe that many chief executives will enact such by-laws to ensure that under the Smoke-free Environment Act it will be an offence for anyone to smoke on hospital grounds. The provisions in the bill will enable local health districts and statutory health corporations to exercise local decision-making to determine which parts of their grounds should be made smoke free.

Recently I visited the forensic hospital at Long Bay, which is smoke free for patients and staff. I say to those who said it was difficult to impose a smoke-free ban on some sections of the community that if the forensic hospital can implement such a measure everyone can; it is a matter of supporting people. I agree with the member for Sydney who said that giving up smoking is difficult for everyone. I attempted to give up smoking several times before I was finally successful. People need our smoking cessation support as it is in their best interests to give up smoking. The proposed prohibition on smoking in commercial outdoor dining areas is a significant step for New South Wales. This bill seeks to amend the Smoke-free Environment Act to prohibit smoking in commercial outdoor dining areas which are defined as capturing seated dining areas, being areas in which seating and plates or packaged food for immediate consumption are provided, such as alfresco dining on a footpath.

With respect to restaurants and licensed premises such as pubs and clubs, smoking will be prohibited within four metres from a seated dining area and within 10 metres of a place where food is sold or supplied for consumption at a food fair, such as the Hyde Park noodle markets. Several members made mention of the tobacco strategy in the State Plan. The Government outlined its commitment to reducing smoking by establishing ambitious targets to reduce smoking through the 2021 State Plan. That plan states that the Government will reduce smoking rates by 3 per cent by 2015 for non-Aboriginal people and by 4 per cent for Aboriginal people. It will reduce the rate of smoking by non-Aboriginal pregnant women by 0.5 per cent and by Aboriginal pregnant women by 2 per cent each year—a first ever statewide target in New South Wales to reduce smoking in pregnancy. I will be carefully monitoring our progress towards achieving this ambitious but important target which confirms this Government's conviction that the best thing it can do for unborn children is to help their mothers stop smoking.

After many conversations with Aboriginal communities and after being on the Ministerial Taskforce on Aboriginal Affairs I know we will have to assist extended families to give up smoking as they have such an influence on pregnant women. The 2021 State Plan targets are reflected in the NSW Tobacco Strategy 2012-2017 which I launched earlier this year and will guide a comprehensive and evidence-based program of investment to reduce the harm in our community caused from tobacco and the consequential costs to the health system in New South Wales. We are already well on our way towards achieving those targets. The latest adult

health survey confirmed that the adult smoking rate in New South Wales dropped from 15.8 per cent in 2010 to 14.8 per cent. I congratulate all those who contributed to reducing that rate and urge anyone who might read this debate or listen to it to consider seriously giving up smoking or not taking it up in the first place. I commend this bill to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

**Consideration in detail requested by Dr Andrew McDonald.**

#### **Consideration in Detail**

**The ASSISTANT-SPEAKER (Mr Andrew Fraser), by leave:** I shall propose the bill in groups of clauses and schedules.

**Clauses 1 and 2 agreed to.**

**Dr ANDREW McDONALD** (Macquarie Fields) [12.10 p.m.], by leave: I move Opposition amendments Nos 1 to 4 in globo:

No. 1 Page 3, Schedule 1. Insert after line 15:

**[5] Section 4, definition of "exempt area"**

Omit the definition.

No. 2 Page 4, Schedule 1 [8]. Lines 33 and 34. Omit all words on those lines.

No. 3 Page 7, Schedule 1. Insert after line 13:

**[11] Part 3 Exempt areas**

Omit the Part.

No. 4 Page 7, Schedule 1. Insert after line 33:

**[16] Schedule 1 Examples of places that are smoke-free if they are enclosed public places**

Omit "a casino private gaming area or" from the matter relating to Casinos.

The Minister has said it all. This bill is supported by the community because it reflects community attitudes and because we know that there is no safe level of exposure to tobacco smoke. This amendment will remove the exemption that applies to the high rollers' room at The Star casino, the only venue in this State at which smoking is permitted indoors. Every day the people who work at that venue are at risk of contracting heart and lung disease. They do not have a choice because they need to support their families. The risk to them is real and ongoing, and it will not go away until this anomaly is addressed. These amendments give us an opportunity to do that. This is a preventable occupational health and safety risk. I stated my views about the effect of passive and active smoking in my contribution to the second reading debate. I have spent my whole career dealing with the health effects of active and passive smoking. These amendments will reduce harm to a small number of workers who place their health and lives at risk every day. I commend the amendments to the House.

**Mr NATHAN REES** (Toongabbie) [12.13 p.m.]: I support the amendments and I do so in the context of community attitudinal change on a range of strategies directed at improving public health or protecting the public. I think it was the member for Penrith who alluded to the fact that only 10 years ago some 24 per cent of the population were regular smokers and that figure is now 14.8 per cent. In the meantime, a range of measures has been implemented across three key areas. The first is education and it includes the television advertising with which we have all become familiar over the past 10 years, restrictions on point-of-sale advertising and further regulation with regard to cigarette sales to minors. However, in the past decade or so it has also included substantial restrictions on smoking in what are termed "public places". Those measures were introduced in the lead-up to the 2000 Olympics by former Premier Bob Carr and they were deeply controversial at the time.

Those measures are on the ledger of controversial public health and safety measures introduced in Australia and in other advanced jurisdictions in the world over the past 50 years. The thing they have in common is that prior to implementation—contentious as it may have been—a case for change was argued by the proponents and the Government of the day. Compulsory seatbelt wearing in Australia and New South Wales was contentious when it was first raised. However, after a period of extensive education and arguing the case for

change people accepted that it was necessary to improve road safety. Some people younger than me might not remember the introduction of random breath testing, but those my age or older will recall the public and commercial outrage at the time that it was flagged and introduced. Today we understand the reasons for it and that it has made a substantial contribution to the reduction in the nation's road toll.

When I began my apprenticeship in 1986 many of the men I worked with did not wear a shirt, a hat or sun protection. That is incomprehensible these days. In fact, council staff who work outside must wear a shirt, sunscreen, a hat, steel-capped boots and reflective clothing. None of that was deemed necessary, let alone desirable, as recently as 25 years ago. It was not long ago that property owners were not required to fence swimming pools despite the number of children who tragically drowned each year. There is no question that smoke alarms are a financial impost on families, but they save lives. The smacking of children was commonplace 20 or 30 years ago—I certainly got my fair share.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Not enough.

**Mr NATHAN REES:** Perhaps not. My point in outlining these measures is that community attitudes change. Despite some of us on occasion pretending that policy-making and policy implementation is an act of purity, we know that it is not. Good policy in contentious areas is inevitably about marrying a political reality with what is possible in a policy sense. The rationale behind this bill is beyond question. We know that there is no safe level of exposure to cigarette smoke and that the risk increases relative to the intensity and duration of that exposure. I applaud the sentiments behind this bill, building as it does on all the other antismoking measures that have preceded it over the past decade or so.

The last remaining outpost at which New South Wales workers are exposed to cigarette smoke is the high rollers' room at The Star casino. The workers there have the same lungs as anyone in this place and anyone in any other workplace in New South Wales. They also have the same eyes and the same capacity for irritation and damage. We have now reached the point at which the case for change on this issue has been argued up hill and down dale across the State for more than a decade. No-one would seriously argue that those workers are not at risk of harm to their health. We now come to the intersection of policy and politics. I understand and accept that this amendment is contentious and that the casino's owners will not want it to be passed. However, its time has come.

New York Mayor Michael Bloomberg has moved to restrict the sale of large-size sugary drinks and trans fatty acids. I have no doubt that 20 years from now we will be having the same discussions in New South Wales about reducing the damage to the population and community health that is caused by alcohol—it causes some 6,000 deaths a year. It is inevitable that we will see more serious curtailment of alcohol consumption and scrutiny of sales and marketing methods because it is a drug that causes significant damage in our community. We are not there yet, but on this matter I believe we are. We owe it to the employees of The Star casino to recognise that their lungs are the same as the lungs of everyone else. We must bite the bullet on this issue, which is contentious at The Star casino but nowhere else. Its time has come. I commend the amendments to the House.

**Ms TANIA MIHAILUK (Bankstown) [12.18 p.m.]:** I will make a brief contribution to this debate as the shadow Minister for Healthy Lifestyles. I support these amendments and echo the sentiments of both the member for Macquarie Fields and the member for Toongabbie. Their effect will be to repeal the exemptions in the Clean Air Act and the Tobacco Legislation Amendment Bill that apply to the so-called high rollers' room at The Star casino. The bill extends restrictions on smoking in enclosed public places and from 7 January 2013 smoking will be prohibited within 10 metres of children's play equipment, within swimming pool complexes, within spectator areas at sportsgrounds, at public transport stops, stations, ferry wharves and taxi ranks and at public hospitals, health institutions or health services and health services designated as smoke-free areas.

From 6 July 2015 the prohibition will be extended to commercial outdoor dining areas. The New South Wales Opposition is concerned about the exemption afforded to the high rollers' room in The Star casino and calls for that exemption to be removed. As the members for Toongabbie and Macquarie Fields said, this is an occupational health and safety issue. Workers in the high rollers' room at The Star casino are being subjected to unsafe levels of passive smoking. All members know that there is no such thing as a safe level of passive smoking. Gamblers who attend the high rollers' room are allowed to smoke simply because they spend more money than other gamblers. It is wrong for the workers who serve those individuals to be exposed to harmful smoke. I speak on behalf of these workers. It is the responsibility of the Government to put in place laws that keep all workers safe. I call on the Government to support these important amendments.

Clearly, there are elements in the bill for which the Government should be commended. We all want to see a cessation of smoking in New South Wales. We want people to be able to exercise their right to dine in outdoor areas with families and friends and not be subjected to passive smoke. All members agree that staff at

public hospitals and in the Department of Transport should not be subjected to passive smoke. Staff on trains, ferries and in taxicabs should be protected from the passive smoke that is generated by those waiting at train or ferry stations or at taxi ranks. It then begs the question: Why have we exempted The Star casino high rollers' room? Workers in The Star casino high rollers' room are not being afforded the same protection that is being afforded to other workers in New South Wales. I call on the Government to support these important and worthy amendments.

**Mrs JILLIAN SKINNER** (North Shore—Minister for Health, and Minister for Medical Research) [12.24 p.m.]: As Minister for Health I understand the arguments put forward by the Opposition shadow Minister. However, in the 16 years in which the former Labor Government was in office it had an opportunity to change the law but it did not do so. The member for Bankstown said she could not understand why The Star casino high rollers' room had been afforded such an exemption. She should ask the member for Macquarie Fields and shadow Minister for Health—he was Parliamentary Secretary for Health in the former Labor Government—why he voted for that exemption. As Minister for Health I want to maintain parity with the rest of the country which is why the Government does not support the Opposition's amendments. I want the money that is generated from that source to be invested in hospitals, nurses, schools and all those other important services that are needed in this State. For 16 years the member for Macquarie Fields and the former Labor Government supported that exemption. Opposition members are playing politics by moving amendments that the Government does not support.

**Question—That Opposition amendments Nos 1 to 4 be agreed to—put.**

**The House divided.**

**Ayes, 20**

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

**Noes, 58**

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

**Pairs**

Mr Amery	Mr Baird
Mr Furolo	Mr Dominello

**Question resolved in the negative.**

**Opposition amendments Nos 1 to 4 negatived.**

**Schedule 1 agreed to.**

**Schedule 2 agreed to.**

**Consideration in detail concluded.**

### **Third Reading**

**Motion by Mrs Jillian Skinner agreed to:**

That this bill be now read a third time.

**Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

## **INSPECTOR OF CUSTODIAL SERVICES BILL 2012**

### **Second Reading**

**Debate resumed from 23 May 2012.**

**Mr PAUL LYNCH** (Liverpool) [12.36 p.m.]: I lead for the Opposition on the Inspector of Custodial Services Bill 2012. The Opposition does not oppose the bill, despite the fact that this bill represents a broken election promise made by the Government, it has methodological weaknesses and it does not quite do what the Government claims it does. However, we will move amendments to allow the Government to honour its election promise that has been broken by this bill. The Opposition will give the Government and the Minister a chance to atone. The objects of the bill are to provide for the appointment of an Inspector of Custodial Services, to establish the functions for that position and to make a number of consequent miscellaneous provisions.

Division 1 of part 2 of the bill gives the Government the legal basis to appoint an Inspector of Custodial Services and gives the Inspector the legal basis to employ staff and retain contractors. The functions of the Inspector are set out in clause 6. These include to inspect each juvenile justice centre and juvenile correctional centre every three years and to inspect other custodial centres, best referred to as adult custodial centres, at least once every five years. Additionally, the Inspector can examine and review any custodial service at any time and has to report to Parliament on each inspection, examination and review. The Inspector also has a principal function "to report to Parliament on any particular issue or general matter relating to the functions of the Inspector" if it is in any person's interest or the public interest. Other principal functions relate to reports at the request of the Minister, including such recommendations as are appropriate, and overseeing, advising, training and assisting official visitors.

Clauses 7 and 8 deal with the Inspector's powers and clause 12 requires preparation of an annual report. The bill includes provisions to regulate the relationship between the Ombudsman and the Inspector and the Independent Commission Against Corruption and the Inspector. There are also provisions mandating the delivery of draft reports to the Minister and to those bodies and individuals criticised in the proposed report. The Inspector is required not to disclose information if there is an overriding public interest against disclosure. Schedule 1 of the bill provides that the term of appointment is five years, as well as on reappointment, but no one person can hold the office for terms totalling more than 10 years. The appointment to the position is subject to a veto by the joint parliamentary Committee on the Office of the Ombudsman and the Police Integrity Commission.

The Committee on the Office of the Ombudsman and the Police Integrity Commission now has vetoes in relation to the Director of Public Prosecutions, the Police Integrity Commissioner, the Inspector of the Police Integrity Commission, the Ombudsman, the Privacy Commissioner and the Information Commissioner. The committee will also have oversight responsibilities for the Inspector of Custodial Services as it does for those other officers and bodies I have just enumerated, with the exception of the Director of Public Prosecutions. I regard that as appropriate, given what historically has been the efficient and effective way in which that particular committee has operated—I was chair of it for eight years. Clause 20 has specific provision for the protection of complainants, and a five-year statutory review is mandated by clause 28. I also note that clause

23 of the bill has been criticised by the Legislation Review Committee. The Legislation Review Digest dated 29 May 2012 notes that the power granted to the Inspector to delegate any of his functions, apart from the power to delegate, is wide and ill-defined and may constitute an inappropriate delegation of power.

The position of an inspector in relation to correctional centres has an interesting history in this State. In 1995 the then Labor Opposition went to that election promising to create such a position if elected and, in due course, an Inspector General of Prisons was appointed. Between 1997 and 2002 there was a statutory office in New South Wales known as the Inspector-General of Correctives Services. The legislation establishing the office provided that at the end of the first five-year period of its existence the office would automatically cease unless both Houses of Parliament otherwise passed an Act or resolution. No such Act or resolution was passed, so the statutory body ceased to exist on 1 October 2003. The position at that time was described by the Liberal member for Lane Cove, Kerry Chikarovski, who was leading for the Opposition in the debate, as "nonsense". She was supported in debate by the then member for Northcott, subsequently the member for Ku-ring-gai and currently the Premier. How times have changed.

A five-year statutory review carried out by Vern Dalton and John Avery recommended the position's abolition in 2003, and it was abolished. Prior to the last election the then Opposition, now the Government, made this election commitment, "The New South Wales Liberals and Nationals propose to reintroduce the role of inspector of corrections who will also supervise juvenile detention centres." That precise wording is taken from the Coalition's written commitment to the Community Justice Coalition. The promise was to reintroduce the inspector's role. That is not what this bill does. This bill does not reintroduce the role as it previously was, which is the only reasonable interpretation of the then Opposition's promise. That is why we will move amendments to the bill.

When the Minister introduced this bill on 13 May he made it clear that the inspector will not deal with individual complaints by prisoners but must refer them to the Ombudsman. On the other hand, the Minister described the inspector as a champion for prisons and prison officers, with prison officers being able to air their concerns with the inspector. It looks like prisoner complaints cannot be pursued by an inspector but complaints by prison officers can. That is not what the bill seems to do. At the very least that would be an odd structure. In his second reading speech the Minister for Justice once again made it explicit that the inspector's role would not extend to dealing with complaints or grievances of individuals. The Minister for Justice explicitly makes the point that this is very different to the earlier model, which is what he promised to reintroduce but has not done. Indeed, the Minister tried to turn it into a virtue, arguing that the duplication of complaint processes was the reason that the previous model was abolished.

In fact, the Dalton report also recommended that the position be abolished because there was a proliferation of oversight bodies, which is a criticism that would apply to this bill as much as it did to the previous model. Whatever the merits or otherwise of the inspector investigating individual complaints, it was that model the Minister promised to reintroduce—a promise he has broken. In his comments the Minister, rather ironically, relied upon the recommendation of an upper House committee to support the introduction of this Inspector of Custodial Services bill. The report concerned was from General Purpose Standing Committee No. 3 entitled "The Privatisation of Prisons and Prison-Related Services". It is true that the committee majority, including two Coalition members, said in recommendation 10:

The position of New South Wales Inspector General of Prisons be reinstated to report on both public and private prisons.

Obviously that supports the Minister's original promise, not the model in the bill presently before the House. Indeed, one of the explicit bases in the committee's report proposing the recommendation was that it would allow individual inmates to have their complaints dealt with. The committee explicitly quoted Mr Craig Baird, Manager of the Prisoners Aid Association of New South Wales, to that effect. Relying on the upper House inquiry report simply emphasises that the Minister has not kept his promise. He might be well advised to read committee reports before he relies on them in debate in this place, or at least get the people who write his speeches to read the reports before they put silly comments in his second reading speech.

There is confusion in some of the public commentary by the Minister. As I noted earlier, when the public announcement of the establishment was made the Minister stressed that the inspector would be a champion for prison officers who could go to him with their concerns. By the time we got to the second reading stage, however, something had changed. In the words of the Minister, "The inspector will take a holistic approach, focusing on systemic issues in correctional facilities to bring about real change". The inspector is no longer a champion for prison officers dealing with their concerns; now he is worrying about much broader

issues. Of course, this broader focus is consistent with the two models referred to by the Minister: the Western Australian model and Her Majesty's Inspectorate of Prisons, but it is entirely inconsistent with his rhetoric when the announcement was made several weeks ago. So keen was the Minister to impress the prison officers that he went well beyond what he was apparently proposing to introduce.

I note also that the provisions in the bill are not as categorical as the Minister claimed. For example, there is no outright prohibition on a prisoner complaining to the inspector. The inspector's functions allow him to report to Parliament on any particular issues relating to his functions. I am not sure that that is quite what the Minister has been saying. There are also some curious aspects to the bill. Many oversight bodies use complaints—the level, nature and distribution—as an indication of where effort needs to be made by an agency. Of course, not every complaint is justified, but individual complaints are often an indicator of deeper systemic issues. So even if the major role of the inspector is to be the broader holistic one referred to earlier, complaint-handling assessment can be an important tool in carrying out that role efficiently.

I should also respond to the outrageous comments of the Minister in his second reading speech in which he attacked the Ombudsman. His comments about the Ombudsman not making a special report to Parliament about prisons since 2000 are pretty outrageous and, in my view, can only be regarded as an attack on the Office of the Ombudsman. In fact, the Ombudsman reports on Corrections every year in his annual report. The Minister should apologise to the Ombudsman. Another obvious concern about this bill is whether the position will be properly resourced. Without proper funding, this position would be mere window-dressing. I am not optimistic about this, given that the Minister failed to deliver on his election commitment in last year's budget to provide an extra \$20 million over four years for educational services in correctional facilities.

I turn now to Official Visitors and the role that the inspector will have with them. The inspector will take over administration of the Official Visitor Scheme. It is said that will enhance independence. Certainly, independence for Official Visitors is desirable. The real issue though is independence not from Corrective Services but from the Minister. Last year the Minister, through his own office's ineptitude, was caught out soliciting nominations from Government members for Official Visitors. Then he refused to reappoint an Official Visitor from the Bathurst region who had the temerity to engage in anti-State Government activity. Regrettably, this bill does not seem to alter that position; it would be an improvement if it did.

In the last paragraph of his second reading speech the Minister touched on the United Nations optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This is known by the acronym OPCAT. This protocol requires State parties to establish independent bodies, which are referred to as National Preventative Mechanisms [NPM], with the power to inspect places of detention, such as prisons, police stations, juvenile detention centres and secure mental health facilities. The OPCAT was signed by Australia in 2009 but has not yet been ratified. The Commonwealth Parliament's Joint Standing Committee on Treaties is due to report on the ratification of the OPCAT on 28 June 2012.

I note that the Minister in the final paragraph of his speech has put in a claim for the role of the yet-to-be established, let alone appointed, Inspector of Custodial Services as an NPM. As with his reliance upon the upper House committee report to which I referred earlier, this is a bit disingenuous. The NPM's role relates not just to prisons and juvenile detention centres but also, for example, to police stations and secure mental health facilities. Not only did that not emerge in the Minister's speech, his yet-to-be established Inspector of Custodial Services seems to have been gazumped by the New South Wales Ombudsman. The Ombudsman in his submission to the Joint Standing Committee on Treaties said:

The New South Wales Ombudsman submits this office could be designated as an agency to form the national preventive mechanism with appropriate legislative underpinning and resourcing.

In particular the New South Wales Ombudsman already carries out visits or inspections to prisons, juvenile detention centres and disability services, as well as providing complaint handling to the New South Wales forensic hospital. We have oversight of the NSW Police Force and can readily visit police facilities.

As I said, I think the Ombudsman has gazumped the Minister on that. The Opposition does not oppose the bill, despite the fact that it breaks an election commitment and has been the subject of rhetoric by the Minister that is not reflected in the bill. We will, however, move amendments to give the Government the option to adhere to its promises.

**Mr KEVIN HUMPHRIES** (Barwon—Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales) [12.47 p.m.]: I support the Inspector of Custodial Services Bill 2012. This Government is committed to addressing the problems at the heart of our criminal justice system and

addressing the reasons people end up in prison in the first place. One of the New South Wales Government's most important commitments in its NSW 2021 plan is to reduce juvenile and adult reoffending. We can help to do that by diverting people with mental health problems away from the criminal justice system and towards the health services they need. Since coming to Government just over a year ago the Attorney General and I have been working to turn around and break the cycle and to support people to improve their health, end their addictions, return to work and re-engage with and give back to the community.

A major part of that initiative must be to ensure that prisons work to reduce the risk of reoffending and to rehabilitate prisoners. That means ensuring that we break the cycle and stop reoffending. The former Government hid their problems away. The establishment of an Inspector of Custodial Services is an important step in this process. Mental illness and drug addiction are major problems in the criminal justice system, and reoffending rates amongst these groups are particularly high. As the Attorney General said in his second reading speech, by improving the standards within correctional facilities we are improving the prospects of rehabilitation of offenders. Once a person with a mental illness comes into contact with the justice system we must be ready to use that as an opportunity to effect positive changes in that person's life. That has not been happening. That is why we need a check on the system to make sure that it does happen.

We have a duty to ensure that appropriate support is in place for people in the prison system and an independent inspector will help to ensure that the prison system remains accountable. We have been working on this initiative across the board, including the new Mental Health Commission. The commission, which will be in place from 1 July, will address a number of key areas that are most in need of reform, such as, the need for best practice quality mental health care to be made available to the people of New South Wales and ensuring the effective and efficient running of the Mental Health Review Tribunal.

A key focus for the commission will be to determine ways to divert mentally ill people away from the criminal justice system at the first point of contact and on return to the community. Achieving this goal is of particular importance to me and my colleagues the Attorney General and the Minister for Health because too many mental health patients end up in hospital emergency departments or in prison. The Government has recently announced an expansion of the housing accommodation and support initiative to better support people with mental illness leaving institutional settings, such as prisons, so that they do not end up homeless, they do not reoffend or they do not end up in our acute hospital settings. We must address this problem before people exit prison; they should already be on a rehabilitation pathway. Having worked closely with the Attorney General on a number of important initiatives I know that he truly understands the importance of rehabilitation and recovery, and I believe this bill reflects that understanding. I commend the bill to the House.

**Mr CHRIS SPENCE** (The Entrance) [12.51 p.m.]: I speak in favour of the Inspector of Custodial Services Bill 2012. In June 2009 General Purpose Standing Committee No. 3 of the Legislative Council of the New South Wales Parliament handed down its report on its inquiry into the privatisation of prisons and prison-related services. The inquiry found that the Corrections inspectorate, being part of the then Department of Corrective Services, lacked independence from the department. The inquiry noted that other jurisdictions, including England, Scotland, Wales and Western Australia, have established independent prisons inspectorates. The inquiry recommended therefore that the position of New South Wales Inspector General of Prisons be reinstated to report on both public and private prisons. The findings of the inquiry affirm the indisputable truth that it is not appropriate that agencies that provide adult and juvenile corrective services oversee themselves. The establishment of the Inspector of Custodial Services addresses these findings of the inquiry by providing an independent mechanism for monitoring adult and juvenile correctional facilities and services.

By improving standards within correctional facilities we are improving the safety of the community as a whole. Improved standards in correctional facilities lead to increased prospects for the rehabilitation of offenders. A rehabilitated offender can make a positive contribution to society on his or her release rather than fall back into a vicious circle of reoffending. The inspector will take a proactive approach to improving custodial services. The inspector must inspect and report on adult correctional centres at least once every five years and juvenile correctional centres at least once every three years. The inspector may inspect and report on such centres as often as needed, with or without notice, in order to focus on any problem areas. The inspector may also conduct thematic reviews of correctional services that are not particular to any correctional centre at any time. Furthermore, Corrective Services and Juvenile Justice will retain their existing internal oversight mechanisms.

The Juvenile Justice quality assurance framework provides quarterly, monthly reviews based on objective evidence and includes self-assessment, followed by onsite inspections during annual reviews, improvement reviews and progress reviews. Similarly, the Corrective Services Operational Performance Review

Branch, formerly known as the inspectorate branch, currently monitors aspects of adult correctional centres including private contract custodial centres and services, security services, community and parole services and mandatory drugs testing. Inspections under the authority of the inspector will add external scrutiny and weight to those internal oversight mechanisms due to the inspector's status as an independent statutory authority. The inspector may also examine and review any custodial service at any time. The term "custodial service" is defined broadly and includes the management of custodial centres, the care of inmates and the transport of inmates by Corrective Services or Juvenile Justice. This gives the inspector the ability to perform thematic reviews of areas of custodial services.

For example, the inspector may decide to perform a general review of prisoner transport services if it becomes evident that there are problems in this area. The inspector will be given broad powers in order to perform his or her functions, including the power to access custodial centres with or without notice, to require the production of documents, to require staff members to attend to answer questions, to access and communicate with inmates, to refer matters to appropriate agencies and to access reports by special inquiries under section 230 of the Crimes (Administration of Sentences) Act 1999. The provisions of the Inspector of Custodial Services Bill 2012 ensure that the inspector will retain the highest level of independence. The inspector will be appointed for a term of five years and may be reappointed only once. The parliamentary joint committee that currently oversees the Ombudsman, the Police Integrity Committee, the Information Commissioner and the Privacy Commissioner will also oversee the inspector. That joint committee will have the power to veto the appointment and reappointment of the inspector. This ensures independence in the selection of the inspector.

The previous position of the Inspector General of Correctional Services in New South Wales could be removed from office at any time and for any reason. However, this inspector will only be able to be removed from office in very limited circumstances, including for incapacity, incompetence, misbehaviour or unsatisfactory performance. Similar provisions exist in relation to other offices which require a commensurate level of independence, such as the Director of Public Prosecutions, the Health Care Complaints Commissioner, the Legal Services Commissioner, the new Public Service Commissioner, the Chief Executive Officer of the Independent Transport and Safety Regulator, the Children's Guardian and the Assistant Commissioner of the Independent Commission Against Corruption.

The inspector must furnish every report he or she makes under the Act to the Presiding Officer of each House of Parliament. The fact that the inspector provides reports directly to Parliament ensures the independence of those reports. Whilst the inspector must consider any comment by the Minister, agencies or other people criticised in a draft report, the inspector will not be bound to amend the report in light of those submissions. The inspector is generally not at the direction of the Minister. Whilst the inspector is required to perform regular inspections of adult and juvenile correctional facilities, the inspector may inspect and report on any correctional centre or service at any time. I commend the bill to the House.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [12.57 p.m.]: I speak in support of the Inspector of Custodial Services Bill 2012 and I congratulate the Hon. Greg Smith, the Attorney General, and Minister for Justice, on introducing the bill. The former position of New South Wales Inspector General of Corrective Services was dissolved in 2003 and a report in 2009 recommended that the position be reinstated. Now, three years later, the Coalition Government has introduced the position of Inspector of Custodial Services. Contrary to the comments of the member for Liverpool about broken election promises, we are delivering on our promises. Yesterday the Treasurer brought down a brilliant budget and the member for Liverpool cannot cope with that fact. In fact, the Coalition Government should be called the postman because we always deliver. We are delivering on our election promises, doing a fantastic job for the people of New South Wales and this bill is another step in that process.

The objects of the bill are to provide for the appointment of Inspector of Custodial Services and confer on that inspector functions relating to the inspection and review of custodial centres and custodial services, and to make a number of miscellaneous amendments of a minor and consequential nature to the Acts and regulations. As I stated, the position of Inspector General of Corrective Services was dissolved in 2003 after the then Government accepted recommendations of a five-year statutory review of the office. The review stated that there was significant duplication of work being done by the Inspector General and the Ombudsman, as both organisations dealt with complaints by correctional inmates. In June 2009 the Legislative Council General Purpose Standing Committee No. 3 published a report on its inquiry into the privatisation of prisons and prison-related services.

The report highlighted that the Inspectorate of Corrections was essentially part of Corrective Services and therefore would not be seen as having the independence required to perform its duties. The committee noted the establishment of independent prison inspectors in a number of other jurisdictions and recommended that the

position of NSW Inspector General of Prisons be reinstated to report on both public and private prisons. The committee recommended that a prisons oversight committee be established with similar powers to the committees on the Independent Commission Against Corruption and the Police Integrity Commission. That was in 2009. Did anything happen in 2009? Was it introduced? No. Was it implemented? No. Was it implemented in 2010? No. Of course, time was short in 2010-11 because the Labor Government prorogued Parliament and there were five months when Parliament did not sit and the people of New South Wales were not able to hold that Government to account. Now the Coalition is in Government and is implementing that recommendation.

Clause 4 of the bill provides for the appointment of an Inspector of Custodial Services and that the Committee on the Office of the Ombudsman and Police Integrity Commission constituted under the Ombudsman Act 1974 may veto the appointment of a person as the inspector. Clause 6 specifies certain principal functions of the inspector. In general, the inspector is responsible primarily for inspecting, examining and reviewing, and making recommendations on custodial services, including the management of the custodial centres. The inspector will have jurisdiction over all correctional centres and services in New South Wales. This includes all adult and juvenile correctional centres, residential facilities, transitional centres, juvenile justice centres, and court and police cells that are managed by Corrective Services or Juvenile Justice.

The inspector's role will be to inspect and report to Parliament on each adult correctional centre at least once every five years and on each juvenile correctional centre at least once every three years; review and report to Parliament on any custodial service at any time; review and report to Parliament on any issue relating to the functions of the inspector if it is in the interests of any person or is otherwise in the public interest to do so; report to Parliament on any issue relating to the functions of the inspector if requested to do so by the Minister; and to oversee official visitor programs in respect of adult and juvenile correctional centres.

The Inspector of Custodial Services will be given broad powers in order to perform his or her functions, including the power to access custodial centres and their records, with or without notice, require the production of information or documents, require staff members to attend to answer questions, access inmates, refer matters to appropriate agencies, and access reports by special inquiries under section 230 of the Crimes (Administration of Sentences) Act 1999. The inspector must furnish reports made by the inspector under the Act to the Presiding Officer of each House of Parliament. The inspector is to provide the Minister and any government division or person that a report is critical of with a draft of each report to give them a reasonable opportunity to respond. The inspector must not disclose information in a report if there is an overriding public interest against disclosure of the information.

It will be an offence for a person to obstruct, threaten or fail to comply with a lawful requirement of the inspector without a reasonable excuse; to wilfully make any false statement or mislead the inspector; or to take detrimental action against a person because they provide information to the inspector. The joint parliamentary committee that currently oversees the Ombudsman, amongst other bodies, will also oversee the inspector. The inspector will be appointed for five years and may be reappointed only once. The inspector will only be able to be removed from office in limited circumstances, including for incapacity, incompetence, misbehaviour or unsatisfactory performance. The inspector will commence his or her functions on 1 July 2012 and there will be a statutory review of the inspector after five years. In more detail, the inspector has the following functions:

- (a) to inspect each custodial centre (other than juvenile justice centres and juvenile correctional centres) at least once every 5 years,
- (b) to inspect each juvenile justice centre and juvenile correctional centre at least once every 3 years,
- (c) to examine and review any custodial service at any time,
- (d) to report to Parliament on each such inspection, examination or review,
- (e) to report to Parliament on any particular issue or general matter relating to the functions of the Inspector if, in the Inspector's opinion, it is in the interest of any person or in the public interest to do so,
- (f) to report to Parliament on any particular issue or general matter relating to the functions of the Inspector if requested to do so by the Minister,
- (g) to include in any report such advice or recommendations as the Inspector thinks appropriate (including advice or recommendations relating to the efficiency, economy and proper administration of custodial centres and custodial services),
- (h) to oversee Official Visitor programs conducted within correctional centres and juvenile justice centres,
- (i) advise, train and assist Official Visitors in the exercise of their functions, and
- (j) such other functions as may be conferred or imposed on the Inspector under the proposed Act or any other Act.

Clause 7 sets out certain powers of the inspector. The proposed section provides that the inspector in the exercise of the inspector's functions:

- (a) is entitled to full access to the records of any custodial centre (including health records) and may make copies of, or take extracts from, those records and may remove and retain those copies or extracts, and
- (b) may visit and examine any custodial centre at any time the Inspector thinks fit, and
- (c) may require custodial centre staff members to supply information or produce documents or other things relating to any matter, or any class or kind of matters, concerning a custodial centre's operations, and
- (d) may require custodial centre staff members to attend before the Inspector to answer questions or produce documents or other things relating to a custodial centre's operations, and
- (e) may refer matters relating to a custodial centre to other appropriate agencies for consideration or action, and
- (f) is entitled to be given access to persons in custody, detained or residing at any custodial centre for the purpose of communicating with them.

Clause 8 provides that the inspector also has power to do all things necessary to be done for or in connection with, or reasonably incidental to, the exercise of the inspector's functions. As I said, this Government is taking action. Throughout the past 12 months this Government has brought forward legislation and budgets for the good governance of the State. This is another piece of legislation that should have been brought to the House long ago by the previous Government. We are introducing it and I congratulate the Attorney General for doing so.

**Mr BRUCE NOTLEY-SMITH** (Coogee) [1.07 p.m.]: I speak in favour of the Inspector of Custodial Services Bill 2012. As the member for Myall Lakes has rightly suggested, this is long overdue; however, I also pay credit to the hardworking Attorney General for introducing the bill so quickly. It is three years since the report was handed down by the Legislative Council's General Purpose Standing Committee No. 3, which recommended that this position be created. I commend the Minister for Mental Health, and Minister for Healthy Lifestyles for pointing out that prisons are not just for locking up people for punishment. They also are places of rehabilitation. If we improve the standards within our correctional facilities we will improve the prospects of rehabilitation for inmates. Rehabilitation has been the aim of our prison system since Victorian times. We know that most prisoners ultimately will be released and must reintegrate into society and become productive members of society. We want the best possible standards applied to the functioning of our Corrective Services department and our prisons.

It is not appropriate for Corrective Services to be overseeing its own functions. It is entirely proper that an independent Inspector of Custodial Services be appointed. This bill transfers the administration of the Official Visitors Program from Corrective Services and Juvenile Justice to the inspector. Official visitors perform an essential function in correctional centres. They regularly visit correctional centres to resolve inquiries and complaints from inmates and staff at a local level. Official visitors produce regular reports on the types of inquiries and complaints that they have received and any issues of concern. This acts as a safety valve for issues that may potentially arise within those correctional centres. The administration of the Official Visitors Program includes functions such as the gazettal of appointments, ensuring that official visitors are visiting correctional centres as required, the payment of fees and travel expenses of those official visitors, answering queries on policies, procedure and legislation, and providing an induction program and holding ongoing training.

The Official Visitors Program was previously administered by the former Inspector-General of Corrective Services. However, the position of inspector-general was dissolved following a statutory review in 2003. Since then the Official Visitors Program has been administered by Corrective Services and Juvenile Justice. As I said earlier, in June 2009 General Purpose Standing Committee No. 3 handed down its report on its inquiry into the privatisation of prisons and prison-related services. The 2009 inquiry received submissions from the Australian Lawyers Alliance, which suggested that the role of official visitors had been diminished. At the inquiry the Australian Lawyers Alliance stated that "recent comments by three former official visitors to the State's prison say that their roles are being watered down by the New South Wales Government".

Ray Jackson, an official visitor of the Metropolitan Remand and Reception Centre at Silverwater for 10 years, said, "By the end we couldn't be autonomous from the department in trying to solve issues." In 2009 the inquiry recommended that the position of the inspector be reinstated to report on both public and private prisons. It has taken until now and this Government to make a move on that recommendation and bring this bill

before the House. It is essential that official visitors are independent from the agencies that manage our correctional facilities. There is obviously an apparent conflict of interest between Correctional Services and Juvenile Justice administering the Official Visitors Program. Official visitors critique the performance of our correctional facilities. The fact that they may be critical of those same agencies puts everybody in an awkward situation. The transfer of the administration of the program to the inspectorate will finally resolve this conflict of interest.

Whilst the role of the inspector is not to resolve complaints of individual inmates, the inspector will be able to use the information contained in the official visitors' reports to flag systemic issues that may require the attention of the inspector. Official visitors will continue to be appointed by the Minister and will provide reports to the inspector. In addition, they will continue to provide the reports to the Minister and Corrective Services or Juvenile Justice, who may comment on the reports. The continuation of this process will ensure that the relevant agencies are able to properly respond to criticisms in official visitor reports. I congratulate the Attorney General on bringing this long overdue reform to the House. It sat there for three years and the previous Government took no action. This Government is getting on with the job of ensuring that our correctional facilities are managed as transparently and professionally as possible. I commend the bill to the House.

**Debate adjourned on motion by Mr Lee Evans and set down as an order of the day for a future day.**

*[The Acting-Speaker (Mr John Barilaro) left the chair at 1.16 p.m. The House resumed at 2.15 p.m.]*

### **RUGBY LEAGUE STATE OF ORIGIN MATCH**

**Mr BARRY O'FARRELL:** I indicate, Madam Speaker, that I will answer any questions that may be directed today in question time to Paul Gallen, the man who will lead New South Wales to victory against Queensland in tonight's State of Origin rugby league match.

### **BUSINESS OF THE HOUSE**

#### **Suspension of Standing and Sessional Orders: Order of Business**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [2.23 p.m.]: I move:

That on Thursday 14 June 2012 standing and sessional orders be suspended to permit:

- (1) Following the speech of the Leader of the Opposition on the Appropriation Bill and cognate bills, the passage through all remaining stages, with the question "That these bills be now read a second time" being put forthwith, without consideration in detail on the bills.
- (2) A member, immediately following the passage of the Appropriation Bill and cognate bills, to move the motion "That this House take note of the Budget Estimates and related papers for 2012-2013".
- (3) After the member has moved "That this House take note of the Budget Estimates and related papers for 2012-2013":
  - (a) the debate is to be adjourned without motion moved;
  - (b) the resumption of the debate is to be set down as an order of the day for a later time; and
  - (c) the mover may speak to the motion at a later time prior to their right of reply.
- (4) After the adjournment of the budget take-note debate, the following routine of business to apply prior to 1.00 p.m.:
  - (a) giving of General Business Notices of Motions (General Notices);
  - (b) General Business Orders of the Day (for Bills);
  - (c) at 11.30 a.m., consideration of General Business (Community Recognition Notices); and
  - (d) consideration of General Business Notices of Motions (General Notices).

As was indicated yesterday, the Leader of the Opposition will deliver his speech in regard to the Appropriation Bill tomorrow. When that is concluded I intend to move a motion to make it clear that business that is usually conducted on Thursdays will then ensue. I wish to advise further that so far as the business of the House for later

today is concerned, the House will adjourn from 6.00 p.m. till 7.00 p.m. for dinner. Upon resumption members will have the opportunity as usual to make private members' statements. The House will then deal with a matter of public importance and any further private members' statements members may wish to make.

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

**Motion agreed to.**

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

#### QUESTION TIME

[*Question time commenced at 2.25 p.m.*]

#### WORKCOVER

**Mr JOHN ROBERTSON:** My question is directed to the Premier. How does the Premier justify cutting WorkCover benefits for injured workers such as those for 26-year-old St George Hospital nurse Emily Orchard, who has undergone four back operations after she was injured trying to resuscitate a patient?

**Mr BARRY O'FARRELL:** How does the shadow Treasurer—who was last Minister under Labor responsible for WorkCover—justify allowing the WorkCover scheme to blow out so that at December last year it was \$4.1 billion in deficit? What protection does that provide to injured workers today or workers injured in the future? Absolutely zero, zilch, none—because, without financial sustainability, there is no protection. The Government makes no apology for this. Once again, we have a mess left to us by those opposite, and it is a difficult situation.

**Ms Carmel Tebbutt:** That is wearing very thin.

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

**Mr BARRY O'FARRELL:** I am happy that the member for Marrickville has raised an interjection, because I remind her that Labor's last appointee as the chair of WorkCover said, when he left WorkCover in February, that part of the problem with WorkCover over the last few years was the failure of any Labor Minister responsible since John Della Bosca to actually show an interest. So the member for Maroubra stands condemned.

**Mr Michael Daley:** And in the same manner he said—

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

**Mr Michael Daley:** He is refusing to even—

**The SPEAKER:** Order! The member will resume his seat. That is not a valid point of order. I call the member for Maroubra to order.

**Mr BARRY O'FARRELL:** Let us not allow those opposite to pretend that they are pure on this issue. We on this side of the House will do what we have had to do for the past 15 months, and that is clean up the mess left by those opposite. And we will do that responsibly for workers across the State.

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

**Mr BARRY O'FARRELL:** We will do so responsibly for workers who are currently injured.

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

**Mr BARRY O'FARRELL:** We will do so responsibly for workers who risk injury in the workplace on a daily basis, and we will do so responsibly for employers and the taxpayers across this State. The consultant's report makes it clear that there was not just a \$4.1 billion deficit at the end of December last year—a deficit that I regret has probably grown even further over the past six months because of the lack of action to deal with this matter—but that report also stated that if nothing changed, WorkCover premiums for employers across the State would increase by 28 per cent.

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

**Mr BARRY O'FARRELL:** That would be devastating for jobs across New South Wales. Representatives from the private bus industry on the South Coast are seated in the gallery; I did not know they were going to be here.

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

**Mr BARRY O'FARRELL:** They are not allowed to participate but I can only imagine how much they are paying each year for their employees. Put another 28 per cent on top of that amount and they are faced with a number of choices—namely, to try to do more with fewer employees or to wind back services. That is the sort of issue that has to be addressed and is being addressed by the upper House inquiry that is currently taking place. We know that WorkCover premiums in this State are between two to four times larger than those paid by comparable businesses in Victoria and Queensland. It is not about being heartless; it is not about ripping money out of a scheme. It is about ensuring that the New South Wales WorkCover Scheme offers the assistance required to employers, employees and taxpayers when needed. As I said last year in relation to the Police Death and Disability Scheme, the greatest hoax one can give to workers across this State is to pretend that there is a scheme that will look after them if they are minimally or catastrophically injured in the workplace. Equally, the Government will make no apologies for encouraging workers who are injured in the workplace and who are capable of rehabilitation to get back to work through incentives and otherwise.

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

**Mr BARRY O'FARRELL:** It is good for them, good for their employers and good for the scheme.

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

**Mr BARRY O'FARRELL:** No scheme should be without incentives to encourage police officers, nurses and others who can get back to work from doing so.

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

**Mr BARRY O'FARRELL:** Those opposite can cry crocodile tears but they should accept responsibility for the mess in which they left the WorkCover Scheme in this State.

### HOUSING AFFORDABILITY

**Mr KEVIN CONOLLY:** I address my question to the Premier. What measures is the Government taking to boost the housing construction industry?

**Mr BARRY O'FARRELL:** I thank the member for Riverstone for his question. The member for Riverstone is concerned about the need to ensure that people across this State have access to the house of their choice, particularly new home buyers. Like so many sectors of our economy, the housing and construction sector was left languishing by Labor. In fact, it was so bad that, according to one property sector task force, it was operating at about half the level of that at which the sector in Victoria was operating on a per capita basis. To reprise yesterday's budget papers, when Labor came to power the number of houses being built each year was in the order of 50,000. Over the past three to four years the number has been 30,000—and that is at a time when this city alone was growing annually by the population of the city of Wagga Wagga. This caused a housing shortage and increased house prices and made it increasingly unaffordable for people to enter the housing market. Even worse than the sector operating at about half the level of that of the sector in Victoria on a per capita basis—and I hope this is not a bad omen on this State of Origin day—we were even performing worse than Queensland on a per capita basis.

As the Treasurer said yesterday, the Government is determined to resuscitate the home building industry in New South Wales. We want first home buyers to think about new housing so that they can make the most of the most generous first home owner's scheme for new houses of any State in this country. We want to help first home buyers onto the property ladder and we want to pick the housing construction industry up off the canvas, where it was left by those opposite. It is sensible to direct one's incentives to stimulate the construction sector and to create regular jobs and important apprenticeships across those trades. What also happens when

people buy a new house? They go out and buy curtains, furniture and other items, and a snowball effect is started in the economy. It is also sensible to readjust those concessions to ensure that they are directed at the purchase of new homes and units.

Our Building the State Package sees the First Home Owner Grant more than doubled to \$15,000 for the purchase of new homes and units, and it is coupled with stamp duty exemptions. It represents a saving of up to \$19,245 for first home buyers purchasing a newly constructed property. That \$19,245 will pay for a lot of furnishings and other items for someone's first home. Happily, there is also something for property buyers who have already bought their first home. As part of the Government's drive to boost the housing construction sector, such buyers will be eligible for a \$5,000 grant if they buy a new property. These measures have been welcomed by the Housing Industry Association. The association's executive director David Bare said, "You can't have a healthy New South Wales economy without a healthy housing industry", and the Government agrees with that. A fast-tracking infrastructure provision goes hand in hand with these grants and the Government is serious about making it as easy as possible to bring housing lots onto the market.

This morning I accompanied the Treasurer, the Minister for Planning and Infrastructure, the Keiran Foran and the Daly Cherry-Evans of the team, the Minister for Roads and Ports, our own George Rose in the upper House, and the member for Riverstone to visit Marsden Park, in the Blacktown council area, where we have brought forward the construction of essential infrastructure to support the release of 19,000 housing blocks and the creation of around 10,000 jobs. Projects fast-tracked include the \$56 million upgrade of Richmond Road between Townson Road and Grange Avenue, and the upgrading of sewerage works will mean that additional housing will be brought to market much sooner.

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

**Mr BARRY O'FARRELL:** Some 19,000 people will be able to live in this part of Sydney and there will also be 10,000 jobs on employment lands. It was fantastic to stand beside these employment lands, which will go hand in hand with that release, and see a huge sign advertising the fact that an IKEA store—the Minister for Planning and Infrastructure's favourite store—is coming their way. The Government is getting on with the job of stimulating the housing construction market and getting housing lots to market as quickly as possible. We will provide critical local infrastructure to ensure that the dream of owning a first home, whether it be a house or a unit, is still a reality in a city that for far too long has produced far too little housing stock.

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

**Mr BARRY O'FARRELL:** I too would like to welcome Alf Hardman to the public gallery. Alf was a member of the rugby league team of the century for Group 5/19, which is in the north west of the State. I hope it is a good omen and augurs well that we have a good hooker seated in the gallery today and a good hooker playing for New South Wales tonight in the State of Origin match.

## STATE BUDGET

**Mr MICHAEL DALEY:** I direct my question to the Treasurer.

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

**Mr MICHAEL DALEY:** Given the Treasurer's refusal to reveal the details of the \$1.2 billion service cuts in the budget, did the Treasurer mislead the House yesterday when he said, "... we have been honest and transparent in this budget"?

**Mr MIKE BAIRD:** Oh my God.

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

**Mr MIKE BAIRD:** I will make this point: Those opposite went through the process yesterday of putting out a cheat sheet. Members will recall that that cheat sheet was prepared the day before the budget was delivered. But have the members opposite read the budget? They did not read last year's budget, but have they read this year's? The Government has produced a four-page summary of the budget for them. That summary talks about all the things the Government is doing across regional New South Wales—about roads and transport infrastructure. Has the member for Maroubra read the budget? He cannot answer the question.

**The SPEAKER:** Order! The member for Maroubra will come to order. Members will cease arguing across the Chamber. The member for Monaro will come to order. The member for Cessnock will come to order.

**Mr MIKE BAIRD:** But the member understands graphs, so I ask him to take a look at this graph. No, Madam Speaker, it is not a prop. On this graph we can see Labor's record. And what is Labor's record? It is red, red, red and red.

**Dr Andrew McDonald:** Point of order: My point of order is that just like a front row, there are two props.

**The SPEAKER:** Order! Was the member for Macquarie Fields taking a point of order or was he making a joke? Perhaps the Treasurer will refrain from using the word "prop". There is no point of order.

**Mr MIKE BAIRD:** As I was saying, Labor's record is red, red, red and red and the only thing they have not read is the budget! When are those opposite going to read the budget, which was delivered yesterday, because we would love to talk to them about it. There are so many good things to talk about in this budget. The member for Maroubra has put out one press release. Do not tell me what is in that press release. What do I think is on there? The press release is full of mistakes and it is red. There is red everywhere. We are happy to run this day in and day out if that is what members opposite want to do.

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

**Mr MIKE BAIRD:** We have made decisions, whether it be labour expenses, programs, whatever initiatives are required—

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

**Mr MIKE BAIRD:** —to control our expenses so that we can grow New South Wales and get the State moving. The Government is getting on with the job of building New South Wales.

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

**Mr MIKE BAIRD:** We are also delighted that as part of the budget announcement we will put \$100 million into the Illawarra.

**The SPEAKER:** Order! The Treasurer is not inciting the member for Wollongong. I advise her not to respond.

**Mr MIKE BAIRD:** I look forward to the member for Keira—

**The SPEAKER:** Order! The Treasurer will resume his seat. Until there is some order in the House I will not take another question. I warn members on both sides of the Chamber that I will not tolerate members arguing across the table while Ministers and the Treasurer are trying to answer questions. If members continue to flout my ruling they will be removed from the Chamber, as occurred yesterday with the member for Wollongong. I will not call members to order; they will simply be removed from the Chamber

**Mr Michael Daley:** Point of order—

**The SPEAKER:** Order! I hope this is a valid point of order.

**Mr Michael Daley:** It is a point of order.

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

**Mr Michael Daley:** I will tell you if you give me an opportunity.

**The SPEAKER:** Order! The member rarely takes a valid point of order. I am waiting to hear what he has to say.

**Mr Michael Daley:** I am not sure whether the theatrics are necessary, but Standing Order 129—

**The SPEAKER:** Order! The member for Maroubra would be the master of theatrics.

**Mr Michael Daley:** My point of order relates to Standing Order 129. The question was a simple one about where the cuts are coming from.

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

**Mr MIKE BAIRD:** We have made the hard decisions. The good news for all the people in the visitors gallery is that they no longer have a government in power that does not understand that a budget is a budget, and that if it wastes money it is not able to invest in infrastructure going forward. This Government is about meeting its budgets. It is about building for the future. If we control our expenses we can do exactly that. Whether it be our record in education, health or transport, we are putting New South Wales first and getting the State back on the right track.

### STATE BUDGET

**Mr DARYL MAGUIRE:** My question is directed to the Treasurer. What has been the response from industry and the community to the State Budget?

**Mr MIKE BAIRD:** I thank the member for Wagga Wagga for his question. He is probably the finest member from Wagga Wagga that we have ever seen. There has been a lot of feedback on the budget, and it goes on and on. I hope we have many days to go through the budget because there are so many good things to talk about. I will not use my words; I will use the words of independent experts across the State, including newspaper commentators. I think we should understand what newspaper commentators think about the budget.

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

**Mr MIKE BAIRD:** An article in the *Daily Telegraph* stated:

Housing initiatives are correctly aimed at relieving the imbalance between supply and demand.

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

**Mr MIKE BAIRD:** An article in the *Sydney Morning Herald* stated:

There are signs things may be different under Baird and O'Farrell ... One year of restraint may not be exactly easy, but if it fits the mood of the times, as this budget does, it is manageable.

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

**Mr MIKE BAIRD:** An article in *The Australian* stated:

These cuts are needed to reduce the ballooning size and cost of the public sector after very little reform in this area under Labor.

An article in the *Australian Financial Review* stated that the budget:

... identified the State's chronic housing shortage ... which is understandable given that NSW fell well beyond Australia's other States in terms of housing supply under Labor's long reign.

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

**Mr MIKE BAIRD:** That is what has been said in newspaper articles. Then it goes on. The markets responded positively. A spokesperson for the Commonwealth Bank said:

We judge that the new Government's commitment to maintain the AAA rating and arrest a long period of fiscal deterioration through strict cost control counts for a lot.

We also heard from the rating agencies yesterday. What did they say about the triple-A rating? The triple-A rating is all good. Here it is: the budget from the O'Farrell Government keeps the triple-A rating. Standard and Poor's said:

While NSW is experiencing pressured revenues ... savings measures have been identified to offset these pressures.

I will continue. We heard from the Premier yesterday. Ross Gittins said that the proof that the O'Farrell Government is doing a better job of managing the State's finances and getting on top of its spending is this: Whereas in last year's budget expenses in 2011-12 were expected to grow by 7.1 per cent, they are now likely to grow by 5.3 per cent. That is a government in control. Ross Gittins further said:

With that year now upon us, the latest estimate is 3.0%. And I'm prepared to believe they will hit it.

The Government will hit that estimate because it is in control of its finances. National Disability Services issued a press release, which stated, "historically, disability services were moved to the bottom of the priority list when times were tough. The Premier and the Minister for Disability Services deserve great credit for delivering the promised new funding for disability services." That is what the Government is about. I have tried to understand the fiscal policy of members opposite. We all know what tomorrow brings. It will be a great moment tomorrow when we read the result of the State of Origin game. Then we will hear the Leader of the Opposition's speech in reply to the budget. I want to understand Labor's fiscal strategy.

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

**Mr MIKE BAIRD:** Am I right? Do members opposite want more infrastructure? I think they want more infrastructure.

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

**Mr MIKE BAIRD:** They do not want any cuts. Is it no cuts? And they do not want any asset transactions. They were against privatising the desalination plant and the generators. What does that mean?

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

**Mr MIKE BAIRD:** Today we have confirmation that our triple-A rating would be gone if Labor was in power. That is the confirmation.

**Dr Andrew McDonald:** Point of order: I have been waiting for the front row because we have a hooker. That is the second prop.

**The SPEAKER:** Order! I have asked the Treasurer to refrain from using that particular prop.

**Mr MIKE BAIRD:** It is important that the State understands that if Labor were in power the triple-A rating would be gone today. Thank goodness for those in the visitors gallery that the O'Farrell Government is running this State. Thank goodness we are prepared to make the decisions in the long-term interests of the people of New South Wales.

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

**Mr MIKE BAIRD:** Thank goodness that by controlling our expenses we can invest in infrastructure for the future of the State, because under Labor it would be gone.

**The SPEAKER:** Order! There is far too much audible conversation in the Chamber. Government members will calm down. Government members will refrain from cheering when the Treasurer or the Premier is answering a question. I do not condone cheering in the Chamber. I cannot single out which Government members are cheering—it is all of them. I do not need advice from the member for Shellharbour. Perhaps she would like to experience sitting in this chair. The member for Drummoyne will come to order.

#### STATE BUDGET AND PUBLIC SECTOR EMPLOYMENT

**Dr ANDREW McDONALD:** My question is addressed to the Minister for Health, and Minister for Medical Research. Will essential staff such as hospital cleaners, caterers, physiotherapists and radiographers be sacked under the Government's decision to break its promise and cut 15,000 public sector jobs?

**The SPEAKER:** Order! Government members will come to order. The member for Monaro will come to order.

**Mrs JILLIAN SKINNER:** Yesterday both the Premier and Treasurer pointed out that there is no mention of a cut of 15,000 jobs in the budget. It was not just the shadow Treasurer who did not read the budget; it was obviously the shadow Minister for health. There is absolutely nothing in the budget that talks about cutting 15,000 people out of the State bureaucracy. What it does say is that directors general will be given the flexibility to come up with the savings as they see fit. That does not mean cutting front-line services. That is something Labor did in western Sydney. How many nurses did it cut? The member for Marrickville can shout; she was the Minister at the time. There were 340 nurse positions cut from western Sydney. How many were cut from the Central Coast? There were 100 jobs cut from the Central Coast. What are we doing? In the past 12 months we have employed 2,500 extra full-time equivalent nurses.

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

**Mrs JILLIAN SKINNER:** This budget provides \$68.4 million to employ another 540 full-time equivalent nurses. Of course, that equates to many more nurses because some will choose to work on a part-time basis. There are many more nurses than we promised before we were elected, many more than Labor promised, many more than were promised under the award conditions and many more than were promised under the nurses hour per patient day award conditions—

**Dr Andrew McDonald:** How many?

**Mrs JILLIAN SKINNER:** It was actually 1,400 and the member opposite knows that. I have employed 2,500 extra nurses already, right throughout the system. They are being rolled out across the hospital system, country, regional—

**The SPEAKER:** Order! The member for Macquarie Fields has asked the question; he will listen to the answer in silence.

**Mrs JILLIAN SKINNER:** According to the union, which is involved in discussions about which wards get rolled out where—

**The SPEAKER:** Order! The member for Macquarie Fields will cease interjecting and asking further questions.

**Mrs JILLIAN SKINNER:** I would not keep interjecting because the member opposite does know what he is talking about. We are absolutely committed to providing front-line services across the whole health system because we know that we need to provide for the patients who Labor forgot and ignored; patients who would not even be put on the waiting list because Labor did not allow doctors to include people on the waiting list if they had to wait for more than 12 months. That is the very first policy I knocked out on becoming Minister. The bottom line for us is that there will be no loss of front-line services in the hospital system. We are more efficient. The interesting reality is that for the past three years the health system has come in on budget; for the past two years it is because we were in government. The year before that, when Labor was in government, it was because the Rudd Government threw a whole lot of extra money at it. Labor has never ever brought the health system in on budget; it always had to go to the Treasurer for supplementary funding.

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

**Mrs JILLIAN SKINNER:** I have inherited the very good spreadsheets that their very good chief financial officer did for them. I know that Labor cheated and did not come in on budget. It sacked front-line services, particularly nurses working in the system. Shame on them.

## STATE BUDGET AND HEALTH

**Mr JAI ROWELL:** My question is addressed to the Minister for Health, and Minister for Medical Research. How will the State Budget improve health services throughout New South Wales?

**Mrs JILLIAN SKINNER:** I thank the member for that question. I congratulate him and his colleagues in Macarthur on doing a wonderful job in relation to health services. Last Saturday it was my great privilege to attend the Macarthur kids fundraising event, along with the shadow Minister for Health. This was a wonderful event in a terrific community that is strongly supportive of its local services. We were joined also by the member for Camden, the member for Campbelltown and the member for Wollondilly. This year's Health budget

was a record \$18.3 billion, a 5.4 per cent increase across the portfolio, the largest single increase of any portfolio. We have had to take the hard cuts to make efficiencies, as I have just described, to come in on budget. The budget represents 27 per cent of the State's recurrent budget. It provides for 50,000 more emergency department presentations, 30,000 more acute in-patient services and 2,000 more elective surgeries.

**The SPEAKER:** Order! The member for Macquarie Field will cease interjecting.

**Mrs JILLIAN SKINNER:** As I said in response to the previous question, the allocation provides for 540 extra full-time equivalent nurses and \$10 million for new intensive care services across the system—adult and paediatric. I am proud of the additional \$35 million in this year's budget for medical research. The Sunday before last I was happy to release our medical research plan following the Wills review. On that wet Sunday 90 people came to learn about the plan and were very complimentary about what we are doing. The Government is spending \$1.16 billion in capital spending this year, and I am happy to give some detail on some of that money. Westmead Millennium Institute, part of our research commitment, was allocated \$35 million and for local initiatives such as maintenance and equipment there is \$70 million. The Government has allocated \$20 million to purchase land and get on with the job of building ambulance stations in places such as Albury—something that has been long sought. This year Blacktown-Mount Druitt has been allocated \$18 million while Tamworth will receive \$17.8 million.

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

**Mrs JILLIAN SKINNER:** Campbelltown will receive \$26.6 million and Dubbo will receive \$12.5 million while Hornsby mental health facility has been allocated \$15.7 million. Wollongong has been allocated \$29.8 million, with an extra \$4 million for the car park. Wagga Wagga has been allocated \$28.7 million and the St George emergency department will get \$13 million. Particularly interesting when one looks at the detail is the \$125 million for information communication technology. E-health will drive much of the reforms in our health system and I am proud that we have been able to invest significant funds into those services.

The other part of the Health infrastructure investment of which I am very proud are the projects we have been able to negotiate with the Commonwealth under the fourth round of the Health and Hospitals Fund to include hospitals such as Kempsey, Lismore, Peak Hill, Hillston and Yamba. These services are sorely needed by those communities. We received 39 per cent of the funding during this round of the Health and Hospitals Fund, as we did in the third round because we put money up, which enabled the Commonwealth to come to the party to a much greater extent. What are people saying about what we have done in health, particularly in rural areas?

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

**Mrs JILLIAN SKINNER:** The *Northern Daily Leader* in Tamworth says "Thank you". In Wagga Wagga the *Daily Advertiser* states "Further boost for hospital". I was in Wagga Wagga just last week digging the soil with the member for Wagga Wagga. The member is quoted in his local paper as saying, "Unlike Labor we just won't make willy-nilly commitments". That is absolutely right. When we promise something we deliver. The Dubbo media writes, "Baird honours hospital pledge". In relation to the new linear accelerator the *Central Western Daily* writes "Here's to good health in Orange". There are similar comments about many other hospitals. We are putting investment where it is needed most in health services right across New South Wales, unlike the former Government that promised big but delivered little.

## PUBLIC SECTOR EMPLOYMENT

**Ms CARMEL TEBBUTT:** My question is directed to the Minister for Education. Will essential education staff like TAFE teachers, teachers aides and school counsellors face the sack under the Government's plans to break its promise and cut 15,000 public sector jobs?

**Mr ADRIAN PICCOLI:** I really appreciate every opportunity I get to answer a question from the Opposition about education. As the Treasurer outlined so fantastically in yesterday's budget, this is a tough budget for tough economic times. Making tough decisions is something that members opposite would not understand. They have never run their own businesses and they have never had to spend their own money. The one thing they love to do is to spend other people's money. Whether it is the unions' money, credit cards or otherwise, they love to spend other people's money. I think it was Margaret Thatcher who said that the problem with Labor governments is that they eventually run out of other people's money.

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

**Mr ADRIAN PICCOLI:** I have a real soft spot for the member for Wollongong. It is in my backyard just behind the grevillea.

**Mr John Robertson:** Point of order: There are certain lines that get crossed regularly in this place and that was well and truly beyond the pale.

**The SPEAKER:** Order! Lines are crossed by members on both sides of the Chamber. I ask the Minister to come back to the leave of the question.

**Mr ADRIAN PICCOLI:** I will withdraw that.

**The SPEAKER:** Order! Members should not profess to be innocent. Members on both sides of the Chamber cross the line far too often. I have asked the Minister to return to the leave of the question.

**Mr ADRIAN PICCOLI:** It is appropriate that the Leader of the Opposition should raise that point of order because I want to pay him a compliment. He really has been achieving since being appointed as Leader of the Opposition. From day one the public have had very low expectations and he has been delivering on those expectations. I take this opportunity to congratulate him. The Education budget delivers a 3.4 per cent increase in spending. It also delivers an increase in spending on education as a proportion of the State budget from 22 per cent last year to 22.4 per cent this year. It makes a mockery of the naysayers and the doomsayers on the other side, in the unions and elsewhere who said that the reforms we have been instituting across education are simply a smokescreen for budget cuts. They cannot accept good news.

The Government is committed to protecting teachers, nurses and police from any staff cuts, but of course we are making efficiencies in education. It represents, as I have said and am very proud to say, 22.4 per cent of an almost \$60 billion budget. If we are to do the right thing by the taxpayers of New South Wales who expect governments to deliver efficient and effective public services, we have to run our bureaucracy much more efficiently. Years ago when they got rid of tea ladies from the Department of Education there would have been a hue and cry about who was going to make the tea and bring the scones down the hallway. It is all about running the public sector more efficiently. Was that the member for Wollongong interjecting?

**Mr George Souris:** No, Lynch.

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

**Mr ADRIAN PICCOLI:** Am I the only one, or does everyone get a shiver down their spine when the member for Liverpool walks past?

**The SPEAKER:** Order! I cannot quite hear the Minister for Education, but I trust he is returning to the leave of the question. Members will come to order.

**Mr ADRIAN PICCOLI:** I am very proud not just to be Minister for Education but also to be part of this Government that is doing the right thing by taxpayers. By doing the right thing by taxpayers we are doing the right thing by the students in our schools and the patients in our hospitals; we are keeping the citizens of New South Wales safe on our streets, looking after children at risk through Family and Community Services, and helping farmers through Primary Industries. We are doing the right thing by them. We need to manage the Government properly and we have to spend taxpayers' money as effectively and as efficiently as we can, and that is precisely what we are doing.

## ELECTRICITY PRICES

**Mr LEE EVANS:** My question is directed to the Minister for Resources and Energy. In light of the Independent Pricing and Regulatory Tribunal's final pricing determination released today, how is the Government assisting families to pay their power bills?

**Mr CHRIS HARTCHER:** I thank the member for Heathcote for his question. It is interesting that the Independent Pricing and Regulatory Tribunal report, which came down today and which recommended an 18.1 per cent increase in electricity prices, passed totally unnoticed by members opposite. Would one not think

an Opposition would say, "Gee, we want to comment on this. We really want to go out on this one"? In that witches cauldron that passes for a strategy meeting that was held in the office of the Leader of the Opposition this morning, would one not think those opposite would have been stirring the brew? Electricity bills are going up by 18.1 per cent.

Why was there no comment? Why was the witches brew not activated this morning? Why are there no questions about it from the Opposition? It is that the biggest single reason for it is Labor's carbon tax, which they support. Even worse for the people of western Sydney, so many of whom are represented now by members on the Government benches, the calculation by the pricing tribunal shows that for people in western Sydney serviced by Endeavour Energy 80 per cent of their price increase is due to the carbon tax. It averages out elsewhere at about a half, but in western Sydney, including in the electorate of the member for Blacktown—one would think he would have said something about it—

**Mr John Robertson:** Point of order: For the benefit of the Minister, at 10.35 a.m. downstairs—

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the third time. He should address his point of order to me. At the moment he is completely ignoring the standards expected of members in this House.

**Mr CHRIS HARTCHER:** We can hear his personal explanation later and it will be a good one. An increase of 80 per cent for western Sydney comes from one source and one source only—the carbon tax. Labor is putting up the prices. There was a Minister for Energy in the former Government who is now the member for Blacktown. That Minister for Energy was party to ripping \$14.2 billion worth of dividends out of the electricity supply companies, which of course undercapitalised them and means they now have to be recapitalised.

**Mr John Robertson:** You know that's a lie.

**The SPEAKER:** Order! The Leader of the Opposition is overstepping the mark. I remind him that he is on three calls to order. The Leader of the Opposition will come to order.

**Mr CHRIS HARTCHER:** That is designed to ensure reliability of service so that the people of western Sydney and New South Wales do not suffer from the outages that they would have suffered under the member for Blacktown had he unfortunately stayed in office. The O'Farrell Government, unlike the Federal Government, is committed to trying to help those who need electricity payment assistance. We announced in the excellent budget brought down by the Treasurer only yesterday a range of measures to assist low income families. First, from 1 July, more than 540,000 families will be eligible to receive the new \$75 Family Energy Rebate, which will rise to \$150 by 2014. Those 540,000 families are principally in western Sydney, the Central Coast and the North Coast, in the low income areas of New South Wales. Secondly, more than 700,000 families will be entitled to receive increased assistance through the Government's Low Income Household Rebate, which rises to \$215 from 1 July and will increase to \$235 by 2014.

We care about the battlers. That is why we hold the seats. That is why everywhere I look I see Government members. We care about the battlers in New South Wales; those opposite care about the union bosses. The union bosses are well looked after by the Electrical Trades Union, Unions NSW and the Health Services Union. The Health Services Union looks after its members well, does it not? We care about those battlers. These programs, in conjunction with the Life Support Scheme for those who require electricity for life support, the Family Energy Rebate and the Low Income Household Rebate, are means tested for those on low incomes and will benefit 700,000 families. That is a huge proportion of the State. It is targeted to assist those who need it. This is not middle-class welfare. This is welfare designed to assist those in need. [*Time expired.*]

### SYDNEY FORESHORE PLANNING

**Mr JAMIE PARKER:** My question is directed to the Minister for Planning and Infrastructure. As there is no strategic planning approach to the important waterfront Bays Precinct, will this Government commit to developing and implementing a master plan that will coordinate appropriate development, improve open space and ensure public access to the waterfront?

**Mr BRAD HAZZARD:** I was hoping for a question on the budget from members of the Opposition to do with planning, housing and all the wonderful things that the Treasurer and Premier have done.

**The SPEAKER:** Order! The Minister is answering the question. The Minister does need any advice from the member for Maroubra. The member for Maroubra will come to order.

**Mr BRAD HAZZARD:** It is appropriate that a member of The Greens, the member for Balmain, has asked this question because previously a Labor member held the seat of Balmain.

**Mr Jamie Parker:** Strategic planning, Brad.

**Mr BRAD HAZZARD:** It was through strategic planning that the member for Balmain won the seat of Balmain because Labor did not do what it should have done in a number of areas. Similar issues also have been raised by the member for Sydney. The Bays Precinct area, an important and significant part of Sydney, comprises 80 hectares, covers Rozelle, Blackwattle Bay and White Bay, and includes buildings such as the White Bay power station. The former Labor Government failed in relation to those issues. I recollect that prior to the 2007 election the then Premier promised a master plan. Later the member for Heffron became planning Minister—

**Mr John Williams:** Not for long.

**Mr BRAD HAZZARD:** —and Premier for a very brief time. She made similar promises but she contributed also to the demise of Verity Firth.

**Mr John Williams:** Nothing happened.

**Mr BRAD HAZZARD:** The member for Murray-Darling is right; nothing happened. The member for Heffron, a do-nothing girl, did nothing. We had an initiation but there was no outcome. The member for Balmain would be well aware that when the Liberal-Nationals Coalition was elected last year consideration of the Bays Precinct proposals was high on its priority list. Late last year I established a Bays Precinct group that comprises representatives from Roads and Maritime Services, planning, ports, the Sydney Harbour Foreshore Authority and, importantly, representatives from the city of Sydney and Leichhardt Municipal Council. Unfortunately the Labor Party seems to have a problem engaging and partnering with local government. This Government, which does not have such a problem, established the Bays Precinct group, which is working to a timetable and which I hope will report to me by the end of July.

It was interesting to hear the comments made earlier by Opposition members. The member for Heffron made not-so-subtle comments about partnering with councils and she asked whether councils would achieve any outcomes. I advise the member for Heffron that councils are working well with this Government; they trust us and we trust them. The member for Heffron did not trust councils and she got nowhere. This Government is trying to do what the member for Balmain is asking for—to establish a master plan for the Bays Precinct which is being done with maximum consultation. The member for Balmain may be aware that nine consultation sessions will be held, six of which already have been completed. A week from today I know that the member for Balmain and members of the Bays Precinct group will attend an evening meeting at Balmain Town Hall. A meeting will be held at Leichhardt Town Hall and also at Glebe school. I am conscious of those three meetings and I am looking forward to receiving results from them.

Helen Lochhead, Acting Government Architect, is actively involved in and is examining the needs analysis—in other words, what we need from the areas around the foreshore. Without question this Government is trying to balance the needs of our ports—members would be aware that this is one of Sydney's last deep-water berths—with current usages, some of which were given away by the former Labor Government when it was half-heartedly dealing with this process. I have directed members of the committee to ensure that maximum public access is provided in that area which is critical and which is matter of high priority in the master plan. However, it must be balanced against some of the existing land uses, leases and port needs in the area. The Government takes on board what the member for Balmain has said and is much more amenable to his suggestions than it is to the suggestions of the Labor Party.

#### STATE BUDGET AND EDUCATION

**Mr JOHN SIDOTI:** My question is addressed to the Minister for Education. How does the State budget deliver for public education across New South Wales and Drummoyne?

**Mr ADRIAN PICCOLI:** Earlier the member for Marrickville claimed great credit for a 6 or 7 per cent increase in spending in education. I make it clear that simply spending more money doing the same thing is not reform. Of course this Government wants to spend more money on education but it wants to use technology and it wants to do things differently and innovatively. Some of the changes that the Government already has made to capital works procurement, which I have outlined to the House—changes that were never made by the former Labor Government—will save the Department of Education and Communities the cost equivalent of building a new primary school every year.

Planned maintenance that is part of the Local Schools, Local Decisions reforms that will commence next term also will result in significant changes. This Government has learnt the lessons from the Building the Education Revolution—lessons that the former Labor Government refused to do anything about—an issue to which the member for Hawkesbury has referred on many occasions. Reducing the fees that we pay to construction companies and consultants when we carry out capital works will save us millions of dollars across public education. As part of the Local Schools, Local Decisions reforms, we already have introduced changes to procurement. Local schools will be able to go to their local shops, shop around and get the best possible price for goods for their schools, which is great for a school's budget and great for local businesses.

This year that will deliver an extra \$383 million to a record education budget—a savage blow to the Teachers Federation in particular. The proportion of total government expenses in education will increase from 22 per cent this financial year to 22.4 per cent next financial year compared to 21.8 per cent in the last year in which the Labor Government was in office. Under the former Government we have to factor in a big Building the Education Revolution component of 21.8 per cent this year, 22 per cent last year and 22.4 per cent next financial year. Members cannot argue with those statistics. Next financial year \$535 million will be spent on capital works providing six new schools across the State at Concord West and Wentworth Point, two schools in The Ponds, and schools at Lake Cathie and Lakemba. Today the member for Riverstone and I were in north-west Sydney at the new Schools for Specific Purposes site at The Ponds to announce a school that will be funded in this budget as well as a new high school at The Ponds.

Earlier this year the member for Camden and I announced that the Government will buy Hope Christian School in south-western Sydney—a great decision that will save this Government in the vicinity of \$6 million and \$10 million. Buying that existing school will increase the capacity of Narellan Public School, which is located just across the road from Hope Christian School—a great decision and an example of this Government using money innovatively in New South Wales. The member for Drummoyne asked what the Government is doing for Drummoyne and the inner west. We are providing two new primary schools at Concord West and Wentworth.

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

**Mr ADRIAN PICCOLI:** I must admit that I am more familiar with western New South Wales than western Sydney, but I am sure members will forgive me for that. The Government is also expanding Newington Public School and building a new specific purpose school at Lakemba. Of course, regional New South Wales never misses out under this Government. A new school will be provided at Lake Cathie after years of campaigning by the member for Port Macquarie. We also recently announced the provision of a new gymnasium at Denison College. We are very excited about that. The front page of the *Northern Daily Leader* features details about the Tamworth TAFE. I was at Cooma TAFE a couple of weeks ago with the member for Monaro. We are also providing a dome at the Penshurst campus and the toilets at west Manly are almost complete. We have to look after the Treasurer. [*Time expired.*]

**Question time concluded at 3.21 p.m.**

#### PETITIONS

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

##### **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**.

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****North West Rail Link**

**Mr DAVID ELLIOTT** (Baulkham Hills) [3.22 p.m.]: My motion should be accorded priority for one simple reason: The North West Rail Link is the top priority for the people of north-western Sydney. There is almost nothing more important than the construction of this missing, much-needed and long-promised rail link. The Government's commitment in yesterday's budget is a major development that already has been welcomed by residents and employers across north-western Sydney. I make it clear that construction will commence before the end of this year—no ifs, no buts. There will be no shallow, politically motivated broken promises like those made by the Gillard Government.

The people of north-western Sydney have been dreaming about this project for years and many thought it would never happen, especially during the gloomy days of the Labor Government. The north west has been waiting for decades for this project to be delivered. It was back in 1985, when Neville Wran was Premier, that Bob Carr was reported on the front page of *Hills News* as making a sincere commitment to the people of north-western Sydney in support of the North West Rail Link. In fact, I have the article, which is dated November 1985, in which the former Minister for Planning, the Hon. Bob Carr, promised my community its railway line. Members opposite will remember Bob Carr—he was the Labor leader who also promised to sell the State-owned electricity assets. We need a railway line, not a headline. Some of us in the north west have been waiting even longer for this project to be delivered.

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

**Mr DAVID ELLIOTT:** Many of my more mature constituents have reminded me that they have been waiting for trains to return to Baulkham Hills since Jack Lang, the then Labor Premier, had the hide to rip up the tracks in 1932. The Labor Party does not have a good record on this issue. This motion should be accorded priority because as recently as last month Julia Gillard turned her back on this project. It is only appropriate that we give priority to recognising the significance of yesterday's budget commitment to commence building the North West Rail Link. When there is a major development on a matter of such importance to one of our largest and fastest-growing regions, surely we should give it priority in this House. After so much neglect, it is about time members made the North West Rail Link a priority.

**Public Sector Employment**

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [3.25 p.m.]: My motion states:

That this House:

- (1) notes that the Premier promised he would have more public servants, not fewer;
- (2) condemns the Premier for breaking his promise by slashing 15,000 public sector jobs; and
- (3) notes that these job cuts do not spare essential service workers like TAFE teachers, physiotherapists, firefighters and train drivers.

Yesterday's budget demonstrates more than anything else that this Premier cannot be taken at his word. He said prior to the election that he wanted more public servants, not fewer, and the people of New South Wales took him at his word. However, in yesterday's budget the Treasurer slashed 10,000 public sector jobs. That is in addition to the 5,000 jobs that were slashed in last year's budget. That is a total of 15,000 public sector jobs that will be slashed. They were identified in the budget papers and in the Treasurer's four-page flyer.

**Mr John Williams:** Where?

**Mr JOHN ROBERTSON:** In the grey area on the top of the back page—15,000 jobs are identified. That reduction in public servants will impact on service delivery in our schools and our health system. Nurses have been excluded, but the health system employs many other people. We must have admission clerks, cleaners, people to deliver meals, physiotherapists and radiographers. None of those people will be excluded from these cuts. The budget cuts deep and the reduction in public servants will impact on service delivery in this State. TAFE employees also have not been excluded. Members regularly refer to the skill shortage we are experiencing in this country. That could be resolved by providing a properly funded and resourced TAFE

system. My motion deserves to be accorded priority because the TAFE sector is about to be gutted and service delivery in New South Wales is about to be cut dramatically because this Premier said one thing before the election about having more public servants but we now know that there will be fewer. We also will see cuts in the rail network. Prior to the budget the Government made announcements about removing station staff and guards from trains.

**The SPEAKER:** Order! The Minister for Transport will come to order.

**Mr JOHN ROBERTSON:** The Minister for Transport does not like it because she will have to implement those cuts.

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

**Mr JOHN ROBERTSON:** Disabled people on stations will be unable to access public transport—

**The SPEAKER:** Order! The Minister for Transport will come to order.

**Mr JOHN ROBERTSON:** —because without a guard and station staff they will not be able to get on trains. The Minister well knows that.

**The SPEAKER:** Order! I call the Minister for Transport to order.

**Mr JOHN ROBERTSON:** She knows that—

**The SPEAKER:** Order! I call the member for Drummoyne to order. He will cease interjecting.

**Mr JOHN ROBERTSON:** —disabled people will not be able to access public transport. At the moment they contact the guard and the guard contacts station staff to provide them with assistance to alight the train. When those cuts are implemented, they will not be able to access that service. [*Time expired.*]

**Question—That the motion of the member for Baulkham Hills be accorded priority—put.**

**The House divided.**

**Ayes, 66**

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

**Noes, 22**

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

**Pair**

Mr Hartcher

Mr Amery

**Question resolved in the affirmative.****NORTH WEST RAIL LINK****Motion Accorded Priority****Mr DAVID ELLIOTT** (Baulkham Hills) [3.37 p.m.]: I move:

That this House supports the Government's commitment in the State Budget to the North West Rail Link with early construction work to start later this year.

For many years I have waited to speak in this Chamber about the need for a North West Rail Link. It has been a long wait for me but I can now boast about the fact that a Coalition Government will be commencing the construction of that important piece of infrastructure. As a young man growing up in western Sydney I recall that the need for cheap, reliable, clean and safe transport was one of the fundamental economic needs of that area. The North West Rail Link is important to families who struggle to have more than one car on the road or for those who need to commute to get to the workplace. In the dying days of Neville Wran's premiership Bob Carr came to north-western Sydney and announced with great pomp and ceremony that the north-west would finally get a rail service, which was reported in the *Hills News*. It is ironic that that announcement was made 53 years after another Labor Premier, Jack Lang, denied us that important piece of infrastructure. Members in this place have said it has taken us a decade to reach this point but I place on the record that it has taken us a quarter of a century.

It has taken that long for the people of north-western Sydney to be in a position where they can look forward to further growth in the north-west with the luxury of their own train station. Yesterday's budget commitment to the North West Rail Link, which was a momentous occasion, has been a long time coming for the people of north-western Sydney. I am horrified and surprised to hear that Opposition members are opposed to public transport. What do they have against north-western Sydney that causes them to dislike the area? Under the administration of the former Labor Government the north-west received no hospitals, no courthouse, no courts and only a few police stations. However, the north-west has plenty of taxpayers. It is about time we got some bang for our buck. After so many broken promises from those opposite, yesterday's budget commitment is nothing but good news for north-western Sydney. We have been waiting for years for New South Wales to get serious about public transport in north-western Sydney.

After so many meaningless promises from Labor it appeared that the North West Rail Link would never become a reality, regardless how much the project made sense. But the O'Farrell Government gets it. North-western Sydney is one of the fastest growing regions in the State and it is home to one of the most dynamic economies in New South Wales. It makes no sense for the north-west to be without a rail line; the arguments in favour of it are irrefutable. The State's economy has suffered under the previous Government's failure to deliver this essential piece of infrastructure. It is almost beyond belief that the Gillard Government would not support this initiative. Clearly the Gillard Government is placing political selfishness ahead of the needs of the people of this State. I suspect that is why Michelle Rowland, the Federal Labor member for Greenway, is prepared to cross the floor and oppose the Gillard Government's plan to ignore the need to fund the North West Rail Link.

**Mr John Sidoti:** It is called survival.

**Mr DAVID ELLIOTT:** I acknowledge the interjection by the member for Drummoyne, who has a most mature political antenna. The people of north-western Sydney are desperate for this rail link; few other priorities can compare. The members who represent the electorates of Hawkesbury, Castle Hill and Riverstone and I share a very clear purpose in this place: to make sure that the Parliament supports the people of north-western Sydney and delivers the North West Rail Link. It is essential that the people of north-western Sydney understand that the people's House supports the Government's commitment to the North West Rail Link. Having been dealt so many cruel blows by the Labor Party, both at a Federal and State level, the people of north-western Sydney need to know that this rail link will be built come what may. That is an ironclad commitment and no level of interference from the Gillard Government will be able to stop the determination of those on this side of the House from getting that rail link.

This piece of infrastructure is fundamental to the economic development of this State and it is disgraceful that it has taken so long for it to become a priority. The people of north-western Sydney know that the O'Farrell Government is serious and the funding commitment of up to \$3.3 billion in yesterday's budget will see the North West Rail Link further enshrined in law. The rail link is moving from a pipedream to something that the people of north-western Sydney will be able to use for years to come. The Government's commitment should be commended not only as a piece of good news for the people of north-western Sydney but also as a shining example that the O'Farrell Government understands the importance of infrastructure planning and delivery. The O'Farrell Government can be called the "postman" because it delivers. The commitment in yesterday's budget will be welcomed right across north-western Sydney as a major move towards the North West Rail Link becoming a reality. I can assure the House that following the Gillard Government's opposition to this rail link my constituents have shown even more contempt for the Labor Party. I commend the motion to the House.

**Mr MICHAEL DALEY** (Maroubra) [3.42 p.m.]: Postman Pat has just given a sterling State of Origin performance. The member for Baulkham Hills always delivers and his timing is impeccable. It was also good to see the usual bunch of cockies assembled on the frontbench for their afternoon exchange. If the member for Mount Druitt had been present in the Chamber when the member for Baulkham Hills spoke of Jack Lang in disparaging terms there would have been some difficulties. I am grateful that he was not here. It is obvious that the member for Baulkham Hills is in trouble because in speaking to a marquee project of the Government in his electorate he had to refer to 1932 and Jack Lang. He then blamed other Labor luminaries such as former Premiers Neville Wran and Bob Carr.

The member for Baulkham Hills also blamed Julia Gillard for wanting to inject \$2.1 billion into the Epping to Parramatta rail link, which the O'Farrell Government will not take up. The member for Baulkham Hills has forgotten a couple of interceptions by the Liberal Party in the history of this matter. A bloke called Askin was Premier of this State for 10 years and he did nothing about this beloved rail link. There was also a fellow by the name of Nick Greiner who recognised that north-western Sydney was one of the fastest growing areas of this State but did not offer a rail link either. What does Nick Greiner have to say about it now? He was reported in the *Daily Telegraph* of 16 November 2011 saying:

The North West Rail Link was about fulfilling a political promise and easing lifestyle pressures rather than being value for money, Infrastructure NSW chair Nick Greiner said yesterday. He said the \$9 billion line—

At least he wants to proffer a cost; no member on the other side is willing to do that—

had a low "cost-benefit ratio" but denied he and Infrastructure NSW were against building the line.

"The North West Rail Line ... is unequivocally happening ... it hasn't got the highest cost benefit ratio in NSW, everyone knows that; that's not an issue," he said.

Even the former Premier and now the Infrastructure NSW guru who is heading up the North West Rail Link has the same attitude as the Government—namely, it is not really that important and it does not have a high cost-benefit ratio but it goes to a couple of blue ribbon seats so we will spend some money on building it.

**Mr Clayton Barr:** How much will it cost?

**Mr MICHAEL DALEY:** The member for Cessnock has asked a very good question. How much will it cost? Those opposite cannot answer that question.

**Mr Clayton Barr:** How many people will use it?

**Mr MICHAEL DALEY:** Those opposite have not proffered that either.

**Mr Clayton Barr:** Do they have to build a second crossing?

**Mr MICHAEL DALEY:** Well, one week they are and the next week they are not.

**Mr Clayton Barr:** When is it going to be done?

**Mr MICHAEL DALEY:** Those opposite cannot answer that question either, but they can tell us how much money they are going to spend this year. The money spent on this project, which is not of the highest cost-benefit ratio according to Nick Greiner, will be at the expense of other areas. Those opposite will not commit to the completion of the Pacific Highway by 2016—one of the Government's marquee roads. The completion of the Pacific Highway has been sacrificed because the North West Rail Link project is sucking money at a great rate. Will the duplication of Richmond Bridge happen? No, the money will be spent on the rail link. Will there be safety upgrades of the overtaking lanes on the Newell Highway or a widening of that very important regional road? No, the money will be spent on the rail link.

**Mr Troy Grant:** What about the \$1.1 million in the budget papers for the Newell Highway in the Dubbo electorate?

**Mr MICHAEL DALEY:** I was a former Minister for Roads; I know a little bit about that. Will the M4 East happen? No, that will not happen. What about the duplication of rail lines from Port Botany so more containers can get out when the cap is lifted from \$3.2 million to \$7 million? No, that will not happen either. Those opposite talk a lot but there is not too much action. They cannot tell us how much the North West Rail Link will cost or when it is to be completed, nor can they tell us a whole raft of matters about these other very important projects. Besides crowing about the North West Rail Link the Government has also crowed that this budget contains a record spend on infrastructure. Let me put paid to that: \$880 million of the money set aside for infrastructure in last year's budget was unspent. This budget contains one of the lowest general spends on infrastructure that this State has seen for many years. Those opposite can crow all they like about the North West Rail Link but there are schools and police stations all over New South Wales that are not being built. [*Time expired.*]

**Mr KEVIN CONOLLY** (Riverstone) [3.47 p.m.]: The member for Maroubra seems to have sidestepped the core of the motion moved by the member for Baulkham Hills. The motion reads:

That this House supports the Government's commitment in the State budget to the North West Rail Link with early construction work to start later this year.

The member for Maroubra spoke for five minutes without saying whether the Opposition supports the Government's commitment to the North West Rail Link. Do members opposite want it built? We have heard many queries and doubts. We can only assume that at the end of this debate we will know that the Opposition opposes the building of the North West Rail Link—a project that Labor members announced and cancelled and re-announced and re-cancelled so many times that the people of north-west Sydney ceased to believe them. The House needs to put on the record that it supports the Government's commitment to the North West Rail Link for exactly that reason. The history of the project shows that members opposite never meant to honour their commitment; they were never committed to building the North West Rail Link.

Those opposite promised the North West Rail Link to fool the people of the north-west Sydney region, to take their votes but never to deliver. As we know, the North West Rail Link was supposed to be up and running by 2010 had it been completed on the original schedule. But nothing had happened by 2010. This is despite the fact that we have long known that the North West Growth Centre will be the focus of at least 70,000 new home dwelling sites, many of which are now in the process of being released due to the proactive approach taken by this Government in this budget, with infrastructure being provided directly to ensure that the maximum kick for our buck is achieved. In the north-west Sydney region we are undertaking new road projects, sewerage projects and electricity infrastructure so that new homes can emerge. It is critical that the North West Rail Link is delivered as part of the process of rolling out growth in north-western Sydney to restart New South Wales by re-energising the housing sector.

The delivery of the railway will mean that car dependence, which is so high in north-western Sydney, is reduced. People will have the option to choose public transport rather than travel by motor vehicle. It will mean that traffic congestion on the M2 is eased for everybody's benefit and that the motorway network works better

for everyone. Of course, less traffic congestion means greater productivity for businesses across Sydney. If we can place more commuter traffic on the railway then businesses can do their task by road. It is often overlooked that this railway will not simply be one way for traffic into the city; employment centres dotted along the railway line will see traffic moving both ways throughout the day for the benefit of all. It is time for members opposite to decide whether they support this project, whether they will go on the record as being in favour of or against the North West Rail Link.

**Mr RYAN PARK (Keira)** [3.50 p.m.]: I am pleased to speak on the North West Rail Link, which is extremely important for a couple of members, and I am glad they are in the Chamber. I refer to my good friend the member for Hawkesbury—I will talk about him in a moment—and my good friend the member for Castle Hill. For the benefit of the member for Castle Hill, I hope this rail line will not be used for the following transportation. It is alleged that elderly members, some collected from nursing homes, have been forced to go through security checks to attend Liberal Party meetings while others have been left out in the dark.

**Mr Ray Williams:** Point of order—

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Keira will resume his seat. What is the member's point of order?

**Mr Ray Williams:** It is relevance. The member is not being relevant to the motion before the House.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I am sure the member for Keira is just about to return to the leave of the motion. The member for Keira has the call.

**Mr RYAN PARK:** This rail line is important for our friends in north-west Sydney. I hope it does not get used for the transportation of Liberal Party members to stack far right-wing branches in north-western Sydney.

**Mr John Sidoti:** Point of order—

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

**Mr John Sidoti:** Relevance.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! There is no point of order. I draw the member for Keira back to the leave of the motion and ask him to generalise his comments.

**Mr RYAN PARK:** We know that in the long term the North West Rail Link will be an important commuter service. I hope that my good friends in the moderates ensure that an adequate number of people will use the North West Rail Link, because it is crucial that both factions of the Liberal Party use this important transport link. [*Time expired.*]

**Mr DAVID ELLIOTT (Baulkham Hills)** [3.53 p.m.], in reply: I thank the member for Keira for his wonderfully relevant interpretation of the motive behind this motion. I am surprised that he thinks the Liberal Party is anything like the Labor Party. Everyone knows that we do not have factions. I would be surprised if members opposite opposed this motion. In my pre-parliamentary career as the Chief Executive of the Civil Contractors Federation I had regular communication with many Labor Government members. Indeed, I communicated with the member for Keira when he was working for a former transport Minister. I vividly remember one meeting where we were planning how the North West Rail Link would be tendered and contracted and discussing how it would be a great asset to the people of north-western Sydney.

But let me set that aside because I need to make one observation. The Leader of the Opposition, who is not in the Chamber for this important debate, represents an electorate whose constituents will be using this important piece of infrastructure. He has 19 hours to rewrite his reply to the Budget Speech to highlight to this House and to the people of New South Wales what he would do about the North West Rail Link, which was promised by successive Labor leaders. The Leader of the Opposition needs to tell us why he thinks the people of north-western Sydney do not deserve a rail link, and what contribution a Labor government would make to this important piece of public infrastructure. I will quote some statistics that the member for Keira and others will not want to hear. One statistic is \$500 million.

That is the amount of money members opposite wasted on the Sydney metro—a \$1 million a metre piece of public infrastructure that the Leader of the Opposition, who is a former Minister for Transport, does not want to talk about. If he votes against this motion he knows that that will be in stark contrast to the will and wishes of the people of his electorate of Blacktown. He needs to tell the people of New South Wales his plan. He is quick to tell the people of New South Wales that the Government is doing nothing because he has not seen a new piece of track laid. Guess what? Track does not get laid that quickly. We have had so much neglect in this State that it will take a bit of momentum to get this work done. I hope members will endorse my motion, knowing full well that the North West Rail Link is an important project for the people of New South Wales. [*Time expired.*]

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

**Motion agreed to.**

### **APPROPRIATION (BUDGET VARIATIONS) BILL 2012**

**Bill introduced on motion by Mr Mike Baird, read a first time and printed.**

#### **Second Reading**

**Mr MIKE BAIRD** (Manly—Treasurer) [4.00 p.m.]: I move:

That this bill be now read a second time.

The Appropriation (Budget Variations) Bill 2012 has three main objectives: to set out payments from the Treasurer's Advance for recurrent and capital services since the Appropriation Bill 2011; to appropriate amounts from the Consolidated Fund for the exigencies of government under section 22 of the Public Finance and Audit Act 1983; and to appropriate additional funds to provide for a payment to be made during this current financial year where no provision was made in the annual Appropriation Bill. Firstly, the bill sets out recurrent services and capital works and services expended from the Treasurer's Advance to the Treasurer. Each year Parliament makes an advance available to the Treasurer in the budget to meet unforeseen expenditures. This is known as the Treasurer's Advance. This bill gives the Parliament the opportunity to scrutinise the actual payments made under the Treasurer's Advance. The previous Government's record on using the Treasurer's Advance provides another example of its lack of management of costs in government.

In 2007-08 the then Government spent \$493.5 million, 52 per cent more than the \$325 million originally appropriated; in 2008-09 the then Government spent \$565.7 million, 41 per cent more than the \$400 million originally appropriated; in 2009-10 the then Government spent \$628.2 million, 43 per cent more than the \$440 million originally appropriated; and in 2010-11, consistent with eight rather than 12 months under the former Government, spending of \$378.8 million was below the \$440 million originally appropriated. In contrast to that record, this bill reports that \$93.5 million has been spent in 2011-12 from the Treasurer's Advance against a budget allocation of \$285 million. This demonstrates that there has been a cultural change. The House should note that there has been a cultural change in expense management under the O'Farrell Government.

Not only agencies, chief executive officers and directors general but also Ministers have recognised the importance of managing their budgets, and that cultural change has been seen in the way the Treasurer's Advance has been achieved and in the overall expense growth achieved by this Government in its first 12-month budget. I note that under the Treasurer's Advance this year \$27.6 million was for recurrent expenses and \$65,934,000 was for capital expenditure. Further, of the nearly \$66 million in additional capital expenditure under the Treasurer's Advance \$64 million arises only from the reclassification of recurrent expenditure to capital spending rather than as new spending. Transport for NSW will now invest \$47.2 million as capital expenditure for the inner-west extension of the light rail, rather than provide this as a capital grant to the previous private sector operator. The Department of Family and Community Services will itself now undertake capital spending worth \$16.7 million for functions transferred from the New South Wales Land and Housing Corporation rather than pay a capital grant to the corporation.

All up, this means that less than \$30 million from the Treasurer's Advance—being the balance of \$2 million in capital expenditure and the \$27.6 million in recurrent expenditure—was solely new spending. This was spent on a range of items which are detailed, including work done by the Crown Solicitor, the establishment

of the Local Government Review Panel, redundancy payments for electoral staffers following the 2011 election and various other items. In addition, \$23,145,000 from the Treasurer's Advance was made during 2010-11 which had not previously been reported. Secondly, the bill appropriates payments totalling \$61.2 million to provide for the exigencies of government during 2011-12. These payments were required to be made in response to natural disasters and to provide relief to those affected by these natural disasters. These amounts were paid by the Treasurer pursuant to section 22 of the Public Finance and Audit Act 1983. Thirdly, the bill appropriates \$800 million additional contributions to State Super before 30 June 2012 to reduce superannuation liabilities. This cash payment funds already incurred superannuation liabilities and does not affect the overall budget result. I commend the bill to the House.

**Debate adjourned on motion by Mr Michael Daley and set down as an order of the day for a future day.**

## **COMMUNITY HOUSING PROVIDERS (ADOPTION OF NATIONAL LAW) BILL 2012**

**Bill introduced on motion by Ms Pru Goward, read a first time and printed.**

### **Second Reading**

**Ms PRU GOWARD** (Goulburn—Minister for Family and Community Services, and Minister for Women) [4.05 p.m.]: I move:

That this bill be now read a second time.

The main purpose of this bill is to provide uniform template legislation—the Community Housing Providers National Law—for a national system of registration, monitoring and regulation of community housing providers. The national law is set out as appendix 1 in the bill. The adoption bill applies the national law in New South Wales. Other provisions in the adoption bill substantially correspond to and replace the community housing provisions of the Housing Act 2001. The national regulatory system for community housing providers is an important reform for the community housing sector across Australia. It provides a national regulatory framework that will give confidence to community housing providers, their clients and investors and it will ensure the viability, good governance and continued growth of the sector now and into the future.

New South Wales has led the development of the national regulatory system for community housing providers at the request of the Commonwealth and other States and Territories. There are sound reasons for this. The reputation of the New South Wales regulatory system across Australia is excellent and the proposed national regulatory system builds on the key elements of the New South Wales approach. Jurisdictions around our country are committed to the creation of a national system for the regulation of community housing providers. The Commonwealth and other State and Territory governments have prepared an inter-government agreement which sets out the framework for the establishment and maintenance of the ongoing arrangements for the national regulatory system. The inter-government agreement also commits jurisdictions to introducing into their Parliaments legislation that applies the national law or mirrors legislation that corresponds to the national law. The community housing sector is increasingly an important player in the provision of social and affordable housing, typically by not-for-profit organisations.

The growing role of community housing providers is a significant reform and consistent with this Government's commitment to partnerships with non-government organisations in the delivery of social services to improve lives. Community housing providers are often local, client focused, nimble and flexible. The non-government organisation sector more generally has a great capacity to provide services and care that governments simply cannot match. Governments across Australia, including New South Wales, have committed to pursuing reforms aimed at expanding the provision of social and affordable housing through the community housing sector to meet increasing demand. It has been estimated that in the 10 years up to 2009-10 mainstream community housing stock has gone from approximately 7 per cent to 14 per cent of all social housing stock. The Australian Institute of Welfare has reported that in June 2010 there were 950 mainstream community housing providers managing almost 60,000 social housing properties. It is estimated that the total value of mainstream community housing assets nationally is \$18 billion.

In New South Wales, as at the end of June 2011, the community housing sector managed more than 26,000 properties, or 17 per cent of all social housing. There are currently 233 registered community housing providers in New South Wales, of varying size and capacity. The 21 largest providers manage between 200 and

4,000 properties, some across a broad geographical area. Properly managed and led, this sector has the means to expand the social housing supply no longer readily available to cash-strapped State governments. The adoption bill is being introduced into this Parliament first, as New South Wales has been chosen as the host State for the national law. Once applied or adopted by the other States and Territories, the national law will provide a consistent standard of regulation for all registered community housing providers across Australia. Providers will be required to meet the outcomes of the National Regulatory Code. The proposed national regulatory system provides many potential benefits in assisting the further development of the community housing sector both in New South Wales and across Australia.

The new system will facilitate investment in the sector through the promotion of confidence in the governance of community housing providers, assurance as to the financial viability of providers, and improvements in the cost of borrowing through scale through the development of a "national market" for lending. The growth in the sector will also provide assurance to the many tenants who rely on the community housing sector for the provision of stable and affordable housing. The national regulatory system provides specific benefits for multijurisdictional providers—those already operating across jurisdictions and those aspiring to—which include regional and rural providers that operate close to State and Territory borders. The system will minimise the regulatory burden for multijurisdictional providers through a common approach to regulation across boundaries and with the approach to regulation managed by a single lead registrar. It should also provide them with opportunities to achieve scale and greater access to private capital on more favourable terms.

The benefits of the national regulatory system are also clear to stakeholders, particularly the finance industry. To ensure that the views of stakeholders were understood and taken into consideration, an extensive national consultation process was undertaken on the proposed national regulatory system between December 2011 and January 2012. A Regulation Impact Statement was also prepared for use in the consultation process. This public consultation process involved two national consultation forums, 15 State and Territory consultation forums and a nationally advertised call for written submissions. A broad range of stakeholders were involved including a range of community housing providers, tenant representatives, other peak bodies, support organisations, Indigenous community housing providers and institutional and community banks who lend to community housing providers. Stakeholders, including the finance industry, overwhelmingly support the national regulatory framework, having agreed that its net benefit outweighs its costs.

I particularly highlight the outcomes of the national workshop that was held with representatives from the institutional arms of the major Australian banks in November 2011. Consistent with other stakeholders, these representatives expressed strong support for the national regulatory system and were unanimous in their support for the proposed national regulatory system over the current status quo of separate regulatory systems in different jurisdictions. They noted that the national system matched the national approach to institutional banking and would remove uncertainty about robustness and consistency of regulatory controls across different States and Territories. The finance sector representatives also recognised that the national regulatory system will enhance the confidence of institutional bankers to provide private finance for community housing, and potentially improve the cost of borrowing through scale, creating a potential "national market" for lenders and allow new entrants into the sector. It was also noted that the National Regulatory Code would provide consistent national standards for registered providers. The finance industry recognised that it can potentially use these standards as an important component of its assessment of the creditworthiness of community housing providers.

I will now outline the specifics of the adoption bill and the national law. The Community Housing Providers National Law 2012 provides for a national system of registration, monitoring and regulation of community housing providers. It provides for, among other elements, a single national Register of Community Housing Providers, a National Regulatory Code, and the appointment, roles, functions and responsibilities of registrars including their enforcement powers. The national regulatory system, through the national law and through the adoption bill in New South Wales, retains the important separation that is in place currently in New South Wales between policy and investment decisions, and the regulation of providers. The regulatory arrangements and other controls set out in the adoption bill provide the mechanisms for this Government to use to protect existing and any future investment in the community housing sector in New South Wales

The main difference between the current New South Wales regulatory system and the proposed national system is the introduction of extra powers in the national law that enhance the enforcement and intervention powers of registrars in cases of non-compliance with the national law. These powers protect tenants and, in particular, governments' investments in a national community housing sector, and these powers form part of a suite of regulatory interventions that are proportionate to risk. These extra enforcement powers will provide

further protections for Government in relation to its investment in community housing. Registrars will work cooperatively with community housing providers to resolve non-compliance issues, and with funders and policy setters in the event that the non-compliance cannot be resolved.

Specifically, under the national law, a primary registrar is able to issue formal binding instructions to a registered housing provider to address any matter that is subject of a notice of non-compliance with the regulatory code, as one of a suite of possible regulatory interventions. The national law also provides that the primary registrar for a community housing provider can appoint a statutory manager to conduct such affairs and activities of the provider as relate to the community housing business of a provider in order to bring a provider into compliance with the regulatory code. The appointment of the statutory manager would certainly be a last resort and can take place only under exceptional circumstances, such as when a notice of cancellation has been issued or the registrar is of the view that the provider has failed to comply with the legislation or binding instructions and failure to comply is serious and requires urgent action.

There are also minor changes to the regulatory code but, consistent with New South Wales, the code remains outcomes-based and the requirements on providers to demonstrate compliance with the code will be proportional to the provider's size and risk profile. This means, for example, that larger providers who are developing new housing at scale will be subject to a greater level of regulatory oversight than a small regionally based provider who does only property and tenancy management. Given the similarities between the proposed national regulatory system and current New South Wales regulatory arrangements, I do not expect additional regulatory impact on New South Wales businesses or the community. Further, while the national system may see the emergence of new multijurisdictional providers, any impact on New South Wales appeal bodies such as the Administrative Decisions Tribunal or the Supreme Court is likely to be minimal.

Apart from applying the national law in New South Wales, the adoption bill contains other provisions that simply substantially replicate and replace the community housing provisions of the NSW Housing Act 2001, which seek to protect government investment in the sector in New South Wales. Minor amendments reflect the changed roles of the Department of Family and Community Services and the Department of Finance and Services as a result of the transfer of the Land and Housing Corporation to the Department of Finance and Services. The existing protections that are carried forward into the bill include, for example, the ability for the New South Wales Government to register an interest on title for any property it may transfer and the requirement for community housing providers to enter into a legal contract with Government, known as community housing agreements, in order to receive government investment.

In conclusion, the Government supports the community housing sector in its role of providing social and affordable housing to people in greatest need both in New South Wales and across Australia. I am pleased that the New South Wales Government has led the development of the national regulatory system for community housing providers, demonstrating its credentials on the national stage and helping to develop a national regulatory system that is appropriate to ensure the ongoing growth and viability of the community housing sector. 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.**

#### **NATIONAL ENERGY RETAIL LAW (ADOPTION) BILL 2012**

#### **ENERGY LEGISLATION AMENDMENT (NATIONAL ENERGY RETAIL LAW) BILL 2012**

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

#### **CHILD PROTECTION (WORKING WITH CHILDREN) BILL 2012**

**Bill introduced on motion by Mr Victor Dominello, read a first time and printed.**

#### **Second Reading**

**Mr VICTOR DOMINELLO** (Ryde—Minister for Citizenship and Communities, and Minister for Aboriginal Affairs) [4.21 p.m.]: I move:

That this bill be now read a second time.

The purpose of the Child Protection (Working With Children) Bill 2012 is to introduce a new Working With Children Check that will provide greater protection for the children of New South Wales. The new Working With Children Check improves on the current model in four key ways: it provides the same Working With Children Check for all categories of worker, including paid workers, volunteers, self-employed people, authorised carers and adults sharing their homes. It accesses full criminal histories instead of a defined subset of records, and continuously monitors New South Wales records to manage risks that occur after a person has received a clearance to work with children. It has only two outcomes: a clearance or a bar, so employers can no longer engage a person assessed as a serious risk. It is easier to operate, with streamlined online systems and centralised operations.

The model established through the Child Protection (Working With Children) Bill 2012 is based on recommendations from the 2010 review of the Commission for Children and Young People Act 1998. The Government tabled the report from this review on 2 August 2011. The model proposed in this bill also implements recommendations of the Auditor-General's performance audit of the Working With Children Check released on 25 January 2010. The Working With Children Check is an internationally recognised safeguard for protecting children and young people. The Commission for Children and Young People Act 1998 that established the current Working With Children Check, the first such check in Australia, was passed in this Parliament with bipartisan support. Since then, four other Australian jurisdictions have introduced working with children checks and two others are on the verge of doing so. Each has followed the settings in the New South Wales model. However, unlike the current New South Wales model, all interstate models provide workers with a portable and renewable clearance that can be used over a fixed period for any child-related work.

The Government is modernising the Working With Children Check, extending its breadth and depth and making it consistent with those in other States. The changes I now introduce will give New South Wales the most up-to-date Working With Children Check in Australia. I turn now to the changes envisaged in the bill. To reiterate, the key features of the new Working With Children Check will be: the same check for volunteers, paid workers and self-employed people; only two outcomes—a clearance or a bar; a portable and renewable Working With Children Check clearance that lasts for five years; continuous monitoring of new criminal charges and disciplinary reports of clearance holders; cancellation of clearances where a new record indicates a risk to children; a simple process for employers to verify that workers are allowed to work with children; a stronger education, compliance and audit program to complement the Working With Children check; and programs to help organisations to be child safe and child friendly.

I will now outline the provisions in the bill. The object of the bill as set out in part 1, clause 3 is to protect children by barring certain persons from child-related work and requiring all workers in child-related work to hold a Working With Children Check clearance. Part 2 of the bill defines "child-related work" and the basic obligations of employers and workers. One of the key strengths of the new Working With Children Check is that it applies the same checking program to all types of child-related engagement, whether the worker is a volunteer or a paid employee, and whether the work is in a child care centre or on the sports field. No longer will self-employed people need to get a certificate, nor will volunteers need to sign declarations, while other workers get a position-based Working With Children Check. From this point forward, workers, volunteers and self-employed people will get the same comprehensive Working With Children Check. Wherever child-related work occurs, the same Working With Children Check applies.

As the Working With Children Check imposes statutory obligations on workers and employers, it is essential to establish a clear definition of the services and roles where these obligations are incurred. The Working With Children Check must be used where it is specified in this bill, and the regulations that support it, but not in other situations where it is not specified. Division 1 lists the services that are "child-related" and in which child-related work may occur for the purposes of the Working With Children Check. The services are essentially the same as those in the current Act, and now explicitly include school crossing supervisors. The Government will develop regulations to further explain and define the situations in child-related settings where a Working With Children Check is mandated.

Child-related work in defined child-related services is work that requires direct contact with children as an essential element of the role, whether or not that work is supervised. Direct contact is physical or face-to-face contact, as it is in our current Working With Children Check. Most people in our community have direct contact with children in their daily lives. They do not all need a Working With Children Check. The Working With Children Check is reserved for people whose work is focussed on children and whose work requires ongoing role-oriented contact with children. For example a school teacher cannot teach without direct and ongoing contact with children, whereas a ward clerk in a hospital may see children in the ward, but have no working relationship with them. The teacher is in child-related employment and the ward clerk is not.

The Working With Children Check has never been intended for people who, as a normal part of their working day, may see a child or be in a place with a child but who do not work with the children. In the same vein, the Working With Children Check does not apply to services and roles where a child is a co-worker or a co-member of an organisation. Some examples of child-related work are: teachers and teachers' assistants in schools; other school staff having regular direct contact with children; tutors and coaches in children's dance, music, sport and art; childcare workers; refuge workers, where children may be living at the refuge; foster carers and the adults living in their homes; religious camp leaders; youth group leaders; clinical staff in hospital wards; clinicians treating children without parental supervision; sports trainers and coaches; respite carers for children; and school bus drivers.

A workplace does not become a child-related service by virtue of having young workers or providing work experience placements. Similarly clubs and community groups do not become child-related services simply by allowing people under 18 to become members. As in the current Act, regulations will further define, extend or limit the ambit of child-related work. This flexibility allows the Government to fine-tune the application of the Working with Children Check in line with emerging knowledge. The bill defines child-related roles that are subject to the Working with Children Check. Clause 6 includes a list of roles that are of themselves child-related work in whatever setting or service they may occur. These roles essentially are roles already defined as child-related in the Act. They include work as an authorised carer, as a certified supervisor of an education and care service, formerly known as a childcare centre or preschool, and several other roles. People who work in these roles will be subject to exactly the same Working With Children Check as those working directly with children in a child-related service.

Clause 7 provides a further opportunity to protect children by allowing the Commission for Children and Young People to determine that certain additional paid roles may be considered a child-related role. These are roles in a child-related service where the worker does not have direct contact with children but has access to confidential records or information about children. To have a role deemed as child related employers will need to identify the relevant roles and propose to the commission the reasons that these roles should be deemed as child related. If the commission deems a role as child related all the obligations and penalties in the bill then apply with regard to that role. The commission may withdraw its deeming on application by the employer or on its own initiative if the work is no longer considered to present risks to children. Employers need the commission's approval to undeem a role that has been deemed child related.

A further group of roles subject to the Working With Children Check cannot be easily defined as work. The bill lists these roles separately in clauses 10 and 11. They are adults who share the home of an authorised carer or home-based carer and applicants for adopting a child. People in these roles are also covered by the universal Working With Children Check. While being a resident in a carer's house or becoming an adoptive parent is not considered to be work, they are both roles that carry considerable risk to children. This is why such people are required to have a Working With Children Check. The agencies that oversight care or parent placement are responsible for ensuring that the Working With Children Check is undertaken. They are also responsible for ensuring that people who are barred from working with children do not reside with carers or adopted children.

There are penalties both for the carer or adoptive parent and for the agency if they do not comply with these obligations. Clause 52 (2) (b) provides that regulations can exempt classes of child-related workers from any or all of the provisions of the legislation. The existing categories of child-related work are closely aligned with definitions of child-related work in interstate working with children checks. The proposed exemptions will also align closely with interstate exemptions and are outlined in the bill. There will also be an exemption relating to emergency appointments that will allow a person to be in child-related work for up to a week before having a valid Working With Children Check application or a clearance. Employers will need to access this provision in circumstances in which it is not possible for a worker to complete the application process before starting work with children.

Examples of such emergencies would be emergency child protection placements in the evening or at the weekend, emergency staffing at hospitals where children would be at risk if the service were not immediately staffed and emergency staffing of educational services where children would be at risk if the service were not immediately staffed. The exemptions proposed for parent volunteers recognise that parents already have relationships with children in teams, clubs and schools that their children attend and in the local community. The Government values the great contribution that volunteering parents make to the community and to their children's development. The Government will not create artificial barriers that limit this part of a parent's role. The exemption proposed for short-term interstate visitors will be a standard exemption that will be introduced around Australia this year for all working with children checks. This promotes national consistency in interstate activities.

Clauses 8 and 9 in division 2 of the bill set out the mandatory provisions applying to child-related work. The Working With Children Check will now provide a universal and clearly recognisable standard for workers and employers. A Working With Children Check application can produce two outcomes: a clearance for all child-related work or a bar from all child-related work. A person must not engage in child-related work without a Working With Children Check clearance or a current Working With Children Check application. A person who has been barred cannot meet either of these standards and so must not engage in child-related work. It is an offence to breach this rule. A person has a current application if he or she has completed the application form successfully, verified his or her identity and paid any required application fee. As long as the commission has not issued a bar or terminated the application, a person awaiting the outcome of a current application may work with children. The commission's capacity to issue interim bars when there are demonstrated serious risks will continue to keep children safe while these risks are being assessed.

Any applicants whose records indicate a serious concern about the safety of children will be identified very early by their criminal and disciplinary records. The Commission for Children and Young People will be able to protect children in these cases by issuing an interim bar immediately pending the finalisation of its risk assessment. The power to issue an interim bar protects children from serious risks while maintaining a fair process for the applicant. While the interim bar is in place, the commission will complete a thorough risk assessment. If the commission has not completed its assessment within six months, the applicant may apply to the Administrative Decisions Tribunal for a review of the decision to issue an interim bar. The commission completes virtually all risk assessments under the current model of the Working With Children Check in less than six months. Therefore, it is not expected that there will be many appeals against interim bars.

The clear intention of this legislation is for the commission to complete risk assessments within this six-month period where it has issued an interim bar. Clause 12 establishes that there will be two classes of working with children checks. One will allow the holder to work in both paid and volunteer roles and the other will allow the holder to work only in volunteer roles. The following groups may use the volunteer clearance: authorised carers and the adults who share their houses; students on unpaid professional work placements; and volunteers and adoptive parents. A volunteer check is free while the non-volunteer check involves a fee of \$80. This approach and fee level is consistent with working with children checks in most of the other States. The new Working With Children Check will provide for a fair transition from a volunteer to a non-volunteer clearance. A person who holds a volunteer clearance will be able to work in a paid role for up to 30 consecutive days before upgrading to non-volunteer status.

This provision will allow new entrants into the paid workforce an opportunity to start earning before paying their Working With Children Check fee. Every upgrade will involve a new national criminal records check and a new start to the standard five-year clearance period. Employers will be required to establish whether a person has a Working With Children Check clearance or a current Working With Children Check application before engaging that person in a child-related role. They will do this by registering with the Commission for Children and Young People as a child-related employer. Once registered, employers will have direct access to the commission's Working With Children Check register. They will enter the Working With Children Check number provided by the applicant and the register will provide the full name of the person concerned and the current status of his or her Working With Children Check.

The register will advise the employer as to whether that person may work with children. A private individual engaging a person for child-related work—for example, engaging a nanny or a tutor—may also verify the Working With Children Check status by entering the holder's Working With Children Check number into the database. The holder of a clearance may also verify his or her own status. It will be an offence to engage a child-related worker without verifying that the worker has a Working With Children Check clearance or current Working With Children Check application. Employers will not be committing an offence if they can demonstrate that the commission had advised that the person was able to work with children or that the person was exempt from the Working With Children Check.

The new Working With Children Check protects children by identifying people whose records indicate a possible risk to children and by assessing the actual risk. The outcome of an application can only be a clearance or a bar. This provides clarity and certainty for both workers and employers. The processes established through this bill are designed to provide a consistent and fair outcome for applicants. Part 3 of the bill details the requirements for a Working With Children Check clearance. Clause 13 provides that the commission will determine how applications are made and the identity documents that are needed to support them. This information consists of complete national criminal records, disciplinary matters provided to the commission in accordance with this bill and the supporting information from police, courts and other government agencies that contextualise these records and their outcomes. Applicants also consent to the NSW Police Force releasing records to the commission over the five-year life of a Working With Children Check.

Its continuous monitoring of criminal history provides protection from new and emerging risks. In practice, all applicants will complete an online application form. Applicants unable to do this will be able to phone the commission's helpline and officers will complete the online forms for them. Applicants will all need to visit a motor registry with specified documents that verify their identity. The commission will publish a list of documents that are acceptable for this purpose. Identity verification is essential if we are to be sure that the Working With Children Check finds records that legitimately belong to the applicant. At the motor registry, applicants for the non-volunteer Working With Children Check will also pay the required fee. Applicants may withdraw an application if they no longer want to pursue a Working With Children Check. There is no refund of application fees in this situation. The new Working With Children Check will receive an applicant's full national criminal records and the disciplinary matters reported under clause 35.

The outcome of the assessment will be a clearance or a bar, an outcome that protects children and leaves no uncertainty for employers and workers. The centralisation of expertise from the four current screening agencies into the Commission for Children and Young People will provide for high-quality decision-making and consistent practice. Division 3 of part 3 explains how risk is assessed in the Working With Children Check. A risk assessment must be conducted if an applicant is found to have an assessment trigger. Schedule 1 lists specific criminal records and disciplinary matters as assessment triggers. If an applicant has one or more of these records, the commission must assess the risk that the applicant presents to children. On rare occasions a record may come to light that was not disclosed at the time of the applicant's application. In such cases, the commission may conduct a risk assessment, even if the applicant had previously been cleared, just as it would if a new record was revealed through the continuous monitoring of records by the NSW Police Force.

If this new assessment indicates that the applicant presents a serious risk to children, the commission will cancel his or her clearance by issuing a bar from child-related work. Clause 15 specifies the factors the commission may consider in a risk assessment. Essentially, the commission will consider factors about the record and about the offender. In relation to the record, the commission will consider the seriousness of the conduct and the likelihood of its repetition, how long ago it occurred, how the offender got access to the victim and the age difference between the offender and the victims. In relation to the offender, the commission will consider how old he or she was at the time and how old he or she is now; his or her criminal history, and his or her conduct since the offence took place. These are largely the same considerations as those currently used effectively by the commission and the Administrative Decisions Tribunal to assess applications for a review of prohibited status under the current Act.

The commission may ask agencies and employers for information to supplement its knowledge about these risk factors. It may ask the applicant to provide information that is essential for commencing a risk assessment. If the applicant fails to respond to such a request within six months, the commission can terminate the application. The point of this is to make sure that an application is properly and fully dealt with within a reasonable time. If the applicant does not provide the required information within this time frame and it therefore becomes impossible for the commission to assess the applicant's risk to children, the commission will terminate the application. When this happens the applicant no longer has a current application for a Working With Children Check. This will mean that the applicant cannot engage in child-related work.

Of course, an applicant presenting serious risks will already have received an interim bar. The commission will advise any employers who have verified the applicant's Working With Children Check status on the Working With Children Check register that the applicant may not engage in any child-related work. An applicant whose application has been terminated in this way may make a new application at any point. If the commission identifies a serious potential risk to children partway through the assessment of an application, it will issue an interim bar. The applicant can seek a review of an interim bar by the Administrative Decisions Tribunal after six months. An interim bar may not remain in place for more than 12 months. The commission must make a decision whether to bar or to clear the applicant within 12 months of issuing an interim bar.

An interim bar has the same impact as any other type of bar, except that it is limited to time. The new Working with Children Check will identify and bar applicants who present a serious risk from all child-related work. There are, in effect, three ways to be barred in the new Working With Children Check. Firstly, a person will be automatically barred if he or she has a conviction or pending charge for serious nominated offences, committed as an adult. These offences are listed in schedule 2 and are generally the same as the offences that currently cause a person to be prohibited from child-related employment. Secondly, a person may be barred because of risks identified after assessment of a schedule 1 record and, thirdly, a person may be interim barred pending the completion of an assessment.

Any person convicted of an offence listed in schedule 2 to the bill, or with a pending charge for such an offence, will automatically be barred from working with children, if the offence was committed while the person was an adult. These offences are: serious sex offences, serious violence against a child and kidnapping of a child other than one's own. A person barred by this means is also defined as a disqualified person. The commission will automatically refuse a clearance to a person who is automatically barred, without undertaking a risk assessment. The commission will issue a bar if continuous monitoring identifies any new schedule 2 records. Any persons with a record listed in schedule 1 to the bill will be subject to assessment as to whether they present a serious risk to children. If they are assessed as presenting a serious risk they will be barred from child-related work. The commission will conduct an assessment if continuous monitoring identifies any further assessment triggers in schedule 1. Where the commission proposes to issue a bar following assessment of a schedule 1 record, it must advise the applicant of its intention to do so.

The commission must invite the applicant to provide submissions about the proposed bar. If the applicant makes any submissions the commission must take them into account in making its final decision. This is a fair process and will result in effective decision making. If the commission determines after this process to issue a bar, it must advise the applicant in writing and notify the newly barred person of his or her appeal rights. Any person who is barred or who is not authorised to work with children by this legislation and its regulations may not engage in child-related work and may be suspended or dismissed from a child-related role by his or her employer. As well as notifying the applicant that he or she has been barred, the commission will notify any employer that it is aware of that has engaged the applicant in child-related work or the roles defined in clauses 10 and 11. Employers and applicants will receive details of the obligations and rights resulting from the bar. This will keep children safe by making sure that employers take appropriate action to remove barred people from child-related work.

There are penalties for employers who retain a person who is either barred or not authorised to work with children in a child-related role. Penalties do not apply for roles exempted from the Working With Children Check. The commission will actively follow up employers to ensure that they do not put children at risk by employing barred people. A barred person who does not exercise his or her rights to seek a review of the bar in the Administrative Decisions Tribunal may not make a new Working With Children Check application for five years, unless there is a change in circumstances. Such a change would be withdrawal or dismissal of a pending charge against the person, a finding that the person was not guilty of the charge laid against him or her, a previous finding of guilt is quashed or set aside, and if the commission grants the person the right to an early application. A person may surrender a Working With Children Check clearance at any time and this will result in the commission cancelling the clearance. There is no refund of the application fee when a person surrenders clearance.

The parameters for reviews and appeals are set out in part 4. Apart from three exceptions, every barred person may seek a review of the bar by the Administrative Decisions Tribunal. The three situations in which a person may not seek a review are: people who have been barred for child murder, people whose barring offence is a pending charge that has not yet been heard, and people with an interim bar issued within the last six months. An application for a review must be made within 28 days of the notice that a Working With Children Check clearance has been refused—that is, the notice that the applicant is barred from child-related work. Those seeking a review of an interim bar may apply for a review once the stipulated six-month period is over. As in the current appeals process, the tribunal may order a stay on the operation of a bar, the tribunal may not award costs, appeals from the tribunal decisions lie to the Supreme Court, the onus rests on the applicant to demonstrate that he or she does not present a risk to children, and the commission is a party to all proceedings.

Matters may be re-heard if the commission has new evidence. The Administrative Decisions Tribunal must consider the same issues that the commission considers in an assessment. It may determine that the person remains barred or it may order the commission to issue a clearance. The Administrative Decisions Tribunal may not issue any order with conditions. This is an important clarification of the current process where orders have, on occasion, been issued with conditions. The difficulty with conditions is that they need to be monitored and neither the commission nor any other body has statutory powers or resources for this purpose. The new Working With Children Check operates on a very simple assumption: A person is allowed to work with children or is not allowed to work with children.

The Administrative Decisions Tribunal will now need to determine whether an applicant presents a serious risk to children in the whole range of child-related work and the child-related activities as defined in clauses 10 and 11. If the tribunal cannot be sure that the applicant does not present a serious risk it will not be able to order that the applicant be granted a clearance. The commission may appeal to the Administrative

Decisions Tribunal to revoke an order and the tribunal may either revoke the order or confirm it. The way risk is understood will be critical to the considerations of both the commission and the Administrative Decisions Tribunal. All adults can present a risk to children. The bill does not propose that all adults be barred from working with children because of a hidden potential for risk. Rather, the bill proposes that to bar a person from working with children the risk must be significant.

While the bill sets out the factors to be considered in an assessment and a review, the weighting given to these factors is not prescribed and is a matter of expert judgement. Expert judgement will consider the significance of the harm having been realised, whether the behaviour was beyond reasonable community norms, whether the behaviour was planned, whether the behaviour was part of a pattern of ongoing or escalating events, whether the behaviour was recent, and whether the behaviour, if repeated, would do significant harm. Expert judgement will be applied to mitigating factors such as significant and sustained positive socialisation since the behaviour occurred, recurrence or cessation of concerning behaviours over a significant period, and genuine and sustained effort to remedy the conduct and past behaviour. Remorse on its own is not considered to be a factor that mitigates risk.

Part 5 details employer and agency obligations to provide information to the commission in relation to the Working With Children Check. Government agencies hold information that is critical for assessing risk. The information they hold will detail the age of victims, the circumstances surrounding the offending conduct and how the offender has been managed by government authorities since the offence or offences occurred. Without this information the commission cannot make an informed decision about the level of risk the applicant presents. The bill sets an obligation on government agencies to provide information about applicants being assessed for a Working With Children Check clearance. Employers and non-government agencies also hold information that will help the commission to determine risk. They have information about aspects of the applicant's life, including work, training and development, which can mitigate risks. The commission may request information from non-government agencies but is not able to compel its production.

The bill contains a new provision that allows the Director of Public Prosecutions to release information more easily. The Director of Public Prosecutions is the key source of information about why a prosecution did not proceed. This information is critically important in assessing risk, particularly where the case could not proceed because a victim was too young to give evidence or was too distressed to give evidence of a child sexual assault. Clause 34 allows the Director of Public Prosecutions to disclose this information by means of allowing risk assessors from the commission to access prosecution files to identify the relevant information. Information that is not relevant to the risk assessment may be seen in those files but may not be formally released to the commission. It will not be used to assess risk. This is an efficient process that releases the Director of Public Prosecutions from the work of identifying the required documents individually and speeds up assessments.

Part 5 allows the NSW Police Force to release criminal history information to the commission, both in initial record searches and in continuous monitoring. This will ensure that the Working With Children Check can continue to access spent convictions, charges and juvenile records as it currently does. Part 5 also provides for nominated employers to notify disciplinary matters to the commission for use as assessment triggers. The review of the commission's Act in 2010 recommended that the settings for "relevant employment proceedings" be overhauled. The review found that the broad definitions of these proceedings had led to the reporting of many low-level, minor or poorly investigated employment proceedings. The definition currently in use requires the reporting of proceedings even where a finding against the employee has not been sustained. This current definition of "reportable conduct" is aligned with the definition of "reportable conduct" in part 3A of the Ombudsman Act 1974.

This bill responds to those identified problems by redefining the definition of matters to be reported. The new disciplinary matters use a new definition. This definition is no longer identical to the definition of "reportable conduct" in part 3A of the Ombudsman Act 1974. The definition in the Ombudsman Act allows him to identify a broad range of relevant allegations made to employers, keeping children safe by ensuring appropriate management of these allegations. In accordance with the findings of the review of the Commission for Children and Young People Act 1998, the most serious workplace conduct is targeted for use in determining whether a person may work with children. The commission and the Ombudsman will continue to work closely together to protect children.

Any assessment trigger, whether a criminal matter or a disciplinary matter, must be able to sustain an appealable bar against working with children. There are two conditions that need to be met to achieve this. First, the investigation of the conduct must be sound and must have taken into account the principles of natural

justice; and, second, the conduct must be of a serious nature and must have actually occurred. Unsustainable allegations will not sustain an appealable bar. Only employers whose investigation practice meets the first condition will be reporting bodies that report disciplinary matters. They will be obliged to do so by law.

The bill nominates five categories of agency that will be required to report disciplinary matters: New South Wales government agencies, as they are obliged to follow statutory processes for investigating allegations which take into account the principles of natural justice; a department or agency covered by the Public Sector Employment Management Act 2002; a registration or licensing authority constituted under an Act; an agency with whom the Ombudsman has entered into a class or kind agreement under section 25CA of the Ombudsman Act—these agreements reflect the Ombudsman's assessment that the agencies have achieved a high standard in their investigative practice—and other employers prescribed by regulation. The commission will continue to work with the Ombudsman and other authorities to ensure that employers in high-risk sectors reach the standards required to become a reporting body.

Only sexual assaults, sexual misconduct and serious physical assaults have been identified to date as meeting the second part of this requirement. The range of matters to be reported may be extended by regulation. It is envisaged that the Ombudsman will be empowered to notify additional serious conduct against children that would not otherwise be notified as a disciplinary matter. All reporting bodies will be required to report findings that sexual assault of a child or sexual misconduct with a child, including grooming a child, occurred or that serious physical violence against a child occurred. Part 6 sets out some specific functions of the commission not separately referenced in the other parts of the bill. The commission is given statutory power to retain information relating to the Working With Children Check functions: managing databases relating to reviews and appeals, employer reports of disciplinary matters and employer verifications of Working With Children Check clearances. These powers are similar to those the commission already has.

The commission will be responsible for promoting community awareness of the Working With Children Check. It will have the power to monitor and audit compliance with the requirements of the bill and the regulations, the importance of which was underlined by the Auditor General's 2010 Performance Audit of the Working With Children Check. The commission will have the power to compel the production of information for monitoring and auditing compliance to ensure that the Working With Children Check is used in accordance with the law by child-related employers and workers. Part 7 brings together the remaining powers and authorities required to make the Working With Children Check effective and efficient. Most of these provisions are simply transferred from the current legislation and protect the privacy and work of officers.

As I noted before, the new Working With Children Check provides two outcomes from a Working With Children Check application: the applicant is cleared or the applicant is barred. Employers have indicated that they must be free to suspend or dismiss workers from child-related roles if the worker becomes barred or is not authorised to work with children under this legislation and its regulations. Clause 47 provides that a person suspended or dismissed as a result of being barred or not having the required authority to work with children may not be reinstated or re-employed, or given damages or compensation for this by any court or tribunal. This allows employers to carry out the intention of this bill to protect children without being caught by industrial rulings.

This does not mean that all applicants with an interim bar, or an appeal in progress, or a bar resulting from a pending charge, automatically will be dismissed by their employers. The Administrative Decisions Tribunal has the power to issue a stay of the bar so that the person may continue to work with children while a review of the bar is in progress. Employers with the capacity to do so may suspend a barred worker or redeploy such a worker to a non child-related role. Nevertheless, under clause 47, employers retain the right to dismiss a child-related worker who may not work with children as a result of being barred or not holding a clearance or a current application for a Working With Children Check.

Clause 52 provides the Governor with the power to make regulations to support the Act. Specifically, the Governor may regulate the information to be provided to applicants or holders of Working With Children Check clearances, the exemption of people or classes of people from the requirements of the Act, the amendment of schedules 1 and 2, where disqualifying offences and assessment requirement triggers are listed. This regulation-making power allows the Working With Children Check the flexibility to respond to emerging knowledge about risks to children. Schedule 1 lists the records that will trigger an assessment of risk. The schedule includes both criminal records and disciplinary matters.

The list of criminal records is closely modelled on the records defined in the current Working With Children Check as relevant criminal records, with minor adjustments to reflect the knowledge of risk factors developed over the 12 years of operating the current Working With Children Check. The list of disciplinary records is a focused subset of the relevant employment proceedings defined for the current Working With Children Check. The commission will provide further guidance to reporting bodies that clarifies what matters need to be reported. At present the list of disciplinary matters covers records that reporting bodies will be required to report. The Government is aware that the Ombudsman, through his role in part 3A of the Ombudsman Act 1974, will be able to provide some additional information critical to identifying risk in applicants.

The Government intends that a regulation will specify additional schedule 2 records to ensure that the Ombudsman is able to refer additional assessment triggers to the commission. Clause 37 allows more bodies to be named as reporting bodies by regulation. The commission is working with the Ombudsman to prepare this regulation. Schedule 2 lists the records that will lead to an automatic bar from working with children. The current Act includes a reference to people registered under the Child Protection (Offender Registration) Act 2000. This reference has been found to be unnecessary as all the offences that lead to registration under that Act are now individually listed in schedule 2. People who are awaiting trial for an offence listed on schedule 2 are automatically barred from working with children. These people have been charged with serious offences that are clear indicators of risk to children.

Schedule 3 to the bill provides for the transitional arrangements from the current Working With Children Check to the new Working With Children Check. The new Working With Children Check will apply immediately on commencement to all people entering a new paid child-related position. The key transitional arrangements are for people who remain in their current child-related positions. They will not immediately be required to have a Working With Children Check clearance if staying in the same position. All child-related workers, including volunteers, will need to hold a clearance within five years of the commencement of the new Working With Children Check. A regulation will establish a timetable that brings child-related sectors and workers on board in a planned way. The regulation will set out year by year which sectors, roles and types of worker will come on board. The Commission for Children and Young People will establish this timetable after extensive consultation with peak bodies and employers in child-related sectors and an assessment of risk factors in each setting.

People who hold a Certificate for Self Employed People will be able to use the certificate until its expiry but will then need a new Working With Children Check to work with children. Schedule 4 amends a variety of Acts that reference the Working With Children Check or particular features of the Working With Children Check. The new Working With Children Check will provide a fast and efficient service to the child-related community. For people with no criminal or disciplinary records, clearances will frequently be provided on the same day as the motor registry verifies applicant identity. The Commission for Children and Young People anticipates that only a small proportion of applicants will need to wait more than two weeks for their clearances. The new Working With Children Check will be operated by the Commission for Children and Young People rather than by four separate screening agencies. For the first time all the expertise on the Working With Children Check will be in one agency.

To ensure that we have the detailed settings right, the Government has committed to a two-year review of this new Working With Children Check. This review will be informed by data about the actual use of the Working With Children Check, identified risks and case reviews. The review will be supported through ongoing consultation with key stakeholders. The Government is delivering the upgrade that the community has sought. This Working With Children Check is a state-of-the-art service that puts New South Wales at the cutting edge of working with children checks around Australia. I bring this bill forward confident of the strong protection it gives to children and the clear benefits it provides to both employers and workers. This is a bill that will benefit the whole community. I particularly thank the Commissioner for Children and Young People, Megan Mitchell, Virginia Neighbour and their team on demonstrating public sector excellence in the development of this bill. It is an outstanding piece of work. 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.**

## **JOINT SELECT COMMITTEE ON THE NSW WORKERS COMPENSATION SCHEME**

### **Report**

**Mr Mark Speakman**, on behalf of the Chair, by leave, tabled the report entitled "New South Wales Workers Compensation Scheme" Report No. 1, dated June 2012.

**Ordered to be printed on motion by Mr Mark Speakman.**

**CRIMES AMENDMENT (RECKLESS INFLICTION OF HARM) BILL 2012****Second Reading****Debate resumed from 30 May 2012.**

**Mr PAUL LYNCH** (Liverpool) [5.10 p.m.]: I lead for the Opposition on the Crimes Amendment (Reckless Infliction of Harm) Bill 2012. The Opposition supports the bill. The object of the bill is to amend the Crimes Act 1900 in relation to offences involving the reckless infliction of grievous bodily harm and reckless wounding. This has become necessary because of the decision of the Court of Criminal Appeal in *Blackwell v Regina*, [2011] NSW CCA 93, following on from the Crimes Amendment Act 2007. The 2007 legislation passed this Parliament with support from the then Opposition and Government.

That bill had a number of objectives. The most relevant for present purposes was to remove what was then described as the archaic fault element of "maliciously" from the Crimes Act and replace it with more modern fault elements of "recklessly" and "intentionally". In 2007 the Government pointed to the difficulty of explaining the archaic formulation of "maliciously" to juries and touched on the significant judicial criticism of the term as long ago as 1955 by the High Court. The Criminal Law Review Division of the Attorney General's Department issued a discussion paper in 2005 on this topic. The consultation process revealed general support for deleting "maliciously" and replacing it with modern terms such as "recklessly". These concerns were echoed by the Court of Criminal Appeal in the Blackwell case.

At paragraph 67 of that judgement Justice Beazley referred to the definition of maliciously as "cumbersome, if not unmanageable, for trial judges in giving directions to juries". She noted it had been the subject of adverse judicial comment by judges for a considerable period. There was thus broad agreement for this change at the time, and indeed, as I understand his second reading speech, the current Attorney still adheres to that view. When introducing the 2007 legislation it was made very clear that this was a clarification, not a substantive change to the law. To quote from the second reading speech, the Attorney stated:

It is not intended that the elements of any offence, or the facts that the prosecution needs to establish to prove the offence, will change substantially.

The consequences of the Court of Criminal Appeal decision however is that the law has been changed significantly. The case of Blackwell involved an instance of an off-duty police officer being attacked in Scruffy Murphy's Hotel in the early hours of 13 October 2007. He was struck in the face by a glass, resulting in the loss of sight in one of his eyes. The accused was found guilty under section 33 of the Crimes Act of maliciously inflicting grievous bodily harm with intent. The Crown also relied upon an alternative count of maliciously inflict grievous bodily harm contrary to section 35 of the Crimes Act. Some of the 2007 amendments came into effect on the date of the assent of the Act, which was 27 September 2007, including section 35. Others did not come into effect until 15 February 2008. This included section 33. The incident occurred on 13 October 2007 between these two dates, just to add to the confusion.

The pre-2007 position required the Crown to establish under section 35—malicious infliction of grievous bodily harm—that the accused had intent to injure, not specifically intent to cause grievous bodily harm or to cause any particular injury. The post-amendment position as determined by Blackwell was that to establish the offence of recklessly inflict grievous bodily harm it had to be established that the accused had foresight of grievous bodily harm, not just foresight of mere injury. This is a significant change from the pre-2007 position and was clearly not intended. The court was of the view that where the mental element of an offence is recklessness the Crown must establish foresight of the possibility of the relevant consequence, that is, under the section 35 count the jury had to be satisfied that the accused knew that it was possible that grievous bodily harm, that is really serious injury, would be inflicted and yet went ahead and acted. In paragraph 82 of her judgement Justice Beazley stated:

There must be a foresight of the possibility of something. The recklessness must cause something. That which it must cause is grievous bodily harm. In my opinion there is no basis upon which that term can be read down to mean "some physical injury".

Justice James and Justice Hall agreed with Her Honour on this point. This bill restores the law, broadly speaking, to the pre-2007 position in relation to section 35 by requiring the foresight to be established as recklessness as to causing actual bodily harm. The same structure is extended to offences under sections 60, 60A and 60E of the Crimes Act. A consistent amendment is also made to the definition of circumstances of special aggravation in relation to sections 109, 110, 111, 112 and 113 of the Crimes Act. I commend the bill to the House. The Opposition supports the bill.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [5.17 p.m.]: I speak in support of the Crimes Amendment (Reckless Infliction of Harm) Bill 2012. The purpose of the bill is to amend the Crimes Act 1900 in relation to certain offences involving the reckless infliction of harm. The bill restructures sections 35, 60, 60A, 60E and 105A to make clear that the offences apply where a person inflicts a wound or causes grievous bodily harm and was reckless as to causing actual bodily harm to the victim or any other person. The Crimes Amendment Act 2007 removed the fault element of "maliciously" from the Crimes Act and replaced it with the fault elements of "recklessly" and "intentionally" where appropriate.

Prior to amendment, section 35 of the Crimes Act criminalised the malicious wounding or infliction of grievous bodily harm. Since the 2007 amendments section 35 (2) is no longer an offence of maliciously causing grievous bodily harm. Rather, the offence is now that of recklessly causing grievous bodily harm to any person. The term "reckless" is not defined. The relevant amendments to the Crimes Amendment Act 2007 merely intended to rectify difficulties with the definition of "maliciously" in section 5. The definition of "malicious" was tortuous and included acts done "of malice or done without malice but with indifference to human life or suffering, or with intent to injure some person and in any such case without lawful cause or excuse, or done recklessly or wantonly". Naturally, trial judges found this difficult to explain to juries. When I was at the police academy I went to great lengths to learn and understand the meaning of "malicious".

When I undertook detective training and studied the criminal law course I went to great lengths to learn the meaning of the term "maliciously". In practice, at all times police officers must know the meaning of the term. We had great volumes of case law to assist us in the interpretation of the meaning of "malicious". We also read texts such as judges' instructions to juries so that we could learn how judges instructed juries on the term "malicious". If we as criminal prosecutors or defence lawyers struggled to understand the nuances of the word "maliciously", members can appreciate the difficulty for a lay person on a jury to try to understand a judge's instructions as to that term. That is the reason the Act was changed in 2007. When the Act was amended in 2007 there was no intent to change the operation of the offences themselves. In the second reading speech for the 2007 Act the then Parliamentary Secretary stated that it was not intended that the elements of any offence would change substantially.

It was not until the case of *Blackwell* in 2011 that it became apparent that some offences, in particular those relating to the reckless infliction of grievous bodily harm, had in fact changed. As a result the Government is amending the relevant offences to restore the appropriate fault element. The definition of "maliciously" in section 5 of the Act did not require an intention by the offender to cause any particular injury, merely intent to injure. In pre-2007 cases where the jury required a direction on recklessness, which was part of the section 5 definition of "maliciously", it was similarly defined—as in the case of *Regina v Coleman*—as requiring foresight of the possibility that "some physical harm" might result but not necessarily the degree of harm in fact done. New section 35 (2) will make it clear that to be guilty of the offence a person must cause grievous bodily harm, having been reckless as to causing actual bodily harm to any person.

In the case of *Blackwell v Regina* in 2011 the Court of Criminal Appeal considered the question of whether section 35 as amended by the Crimes Amendment Act 2007 now required foresight of a consequence of grievous bodily harm to establish recklessness or whether foresight of mere injury remained sufficient. Foresight of mere injury had effectively been the relevant fault element prior to the amendments by virtue of the definition of "malicious". *Blackwell v Regina* related to a case of glassing that occurred in 2007 after the amendments to section 35 had commenced. As a result of the glassing the victim lost his left eye. The accused was found guilty of intentionally inflicting grievous bodily harm. The appeal was on a number of grounds, including that the alternative charge of maliciously inflicting grievous bodily harm was expressed in terms that did not reflect the elements of the alternative offence at the time of its alleged commission.

The Crown contended that as the offence operated in the same way before and after the amendments no miscarriage of justice had occurred. The appellant argued that the amendments had fundamentally changed the offence and that this was not made clear to the jury at the time of the trial. Justice Beazley, with whom both Justice James and Justice Hall agreed on this point, found that under the Crimes Act as amended grievous bodily harm was the relevant consequence with respect to recklessness. The court found no basis upon which that term could be read down to mean some physical injury since the word "maliciously" and its attendant concepts had disappeared from the statute. The offence had changed in operation as a result of the amendments and the appellant had been denied the right to have the correct alternate charge considered by the jury. This amounted to a significant denial of procedural fairness, and the conviction was set aside. *Blackwell* was subsequently found guilty of recklessly causing grievous bodily harm in November 2011.

Prior to that decision section 35 was used frequently to prosecute cases that were too serious to prosecute under section 59—assault occasioning actual bodily harm—but which would be difficult to prove under section 33—wounding or causing grievous bodily harm with intent to do so. A common example is that of a single punch causing a victim to fall and strike his head on the footpath, resulting in serious brain injury. However, the utility of section 35 as an intermediate offence was greatly eroded by the decision in *Blackwell's* case. The amendments in the bill will restore that utility. As I said, "maliciously" was a convoluted and extremely hard concept for lay people to understand and therefore amendments were made in 2007. At the time the amendments were made it was not perceived that problems would arise as those demonstrated in the case of *Blackwell*. As a result of that case, the Attorney General has acted quickly and decisively to bring this legislation before the House and amend the Act so that courts and juries can fully understand the offence. I commend the bill to the House.

**Mr ANDREW GEE** (Orange) [5.25 p.m.]: I support the Crimes Amendment (Reckless Infliction of Harm) Bill 2012. At the outset I commend the hardworking member for Myall Lakes on the deft way that he guides this House through complex legislation. With the member's background in law, he can take apart legislation and put it back together again in the blink of an eye. I commend him for his interest in this bill. As the hardworking member pointed out, the purpose of the bill is to amend the Crimes Act 1900 in relation to certain offences involving the reckless infliction of harm. As the member for Myall Lakes so capably pointed out, amongst other things the Crimes Amendment Act 2007 removed the archaic fault element of "maliciously" from the Crimes Act and replaced it with more the modern fault elements of "recklessly" and "intentionally", where appropriate. A 2011 decision of the NSW Court of Criminal Appeal highlighted an unintended consequence of the 2007 amendments.

Prior to amendment, section 35 of the Crimes Act criminalised the malicious wounding or infliction of grievous bodily harm. Under the common law understanding of "maliciously", the offence required foresight of the possibility that "some physical harm" might result. The 2007 amendments made the section 35 (2) offence of recklessly causing grievous bodily harm to any person. As the member for Myall Lakes pointed out, the bill provides that a person will be guilty of the offence of recklessly causing grievous bodily harm and related offences if the person causes grievous bodily harm to a person and is reckless as to causing actual bodily harm, not necessarily grievous bodily harm, to that or any other person.

The relevant offences have been restructured to make clear that the recklessness applies to causing actual bodily harm and not grievous bodily harm. It is noted that the words "actual bodily harm" have been chosen so as to make the offences consistent with other offences in the Crimes Act. For example, the circumstances of aggravation in section 61J of the Crimes Act, relating to the offence of aggravated sexual assault, refer to recklessly inflicting actual bodily harm to the victim. Section 61J itself was amended in 2007. However, no amendment to that section is required at this time as it already makes clear that the recklessness is with respect to actual bodily harm, which was the same test that applied to the offence prior to the amendments. It is only offences that include recklessness as to some harm higher than actual bodily harm that require amendment.

It is also noted that the amendments include the offences of recklessly wounding or inflicting grievous bodily harm on police officers, other law enforcement officers and school students and school staff. These offences exist to provide special protection to law enforcement officers who put themselves in harm's way in the course of their duty, as well as to those who either work or learn in a school. These amendments make clear that anybody who is reckless as to causing actual bodily harm to any person and does in fact wound or inflict grievous bodily harm on a police officer, other law enforcement officer or school student or staff will be liable to imprisonment for up to 12 years.

This bill restores the operation of these offences which prior to 2007 operated under the low threshold provided by the definition of the term "malicious". The transitional provisions provide, appropriately, that the new offences will apply to any offences committed after the commencement of the Act. Notwithstanding that, the relevant offences were not intended to operate any differently after the amendments in 2007. The Court of Criminal Appeal has correctly identified that their operation was different because of the current wording. It would be inappropriate to retrospectively apply these amendments given the way these offences have appeared on the statute books since the 2007 amendments commenced.

The relevant New South Wales Court of Criminal Appeal case was *Blackwell v Regina*. In that case the Court of Criminal Appeal considered the question of whether section 35 (2) as amended now required foresight of a consequence of grievous bodily harm to establish recklessness or whether foresight of mere injury remained

sufficient. In that case the court found that under the Crimes Act as amended foresight of grievous bodily harm was required. The court found no basis upon which that term could be read to mean "some physical injury" since the word "maliciously" and its attendant concepts had disappeared from the statute.

This made prosecutions under section 35 (2) significantly more difficult and created a gap in the hierarchy of personal violence offences. This was not the result intended by the 2007 amendments, and the bill will restore section 35 and similar offences in the Act to their operation prior to 2007. The bill restructures sections 35, 60, 60A, 60E and 105A to make clear that the offences apply where a person inflicts a wound or causes grievous bodily harm and was reckless as to causing actual bodily harm to the victim or any other person. The amendments in this bill are sound and add much-needed clarity to the law since the decision in *Blackwell*. I commend this important legislation to the House.

**Mr GUY ZANGARI** (Fairfield) [5.32 p.m.]: I support the amendments proposed by the Attorney General, the Hon. Greg Smith, in the Crimes Amendment (Reckless Infliction of Harm) Bill 2012. I note that the bill seeks to address the unintended consequence of previous amendments to the Crimes Act which, in the words of the Attorney General, were to remove the antiquated term of "maliciously" from the Act. In 1997 the Crimes Act was amended to repeal section 5 of the Act. Section 5 was the statutory embodiment of the concept of maliciousness. The Crimes Act provides a list of offences that are deemed criminal in New South Wales, the elements of each offence and the standard of proof required by a judge or a jury to be satisfied that a person has committed the offence.

The purpose of the concept of "maliciousness" was that it inferred some requirement of intention on the part of a suspect, a person who is said to have committed a crime, in the determination of their guilt and as a result the degree to which their actions had offended under the Crimes Act. Section 35 of the Crimes Act identifies the offences that result in grievous bodily harm or wounding as a result of a person's recklessness. The notion of recklessness infers a degree of culpability on a person who is said to have committed a crime by asking whether that person ought to have known that their actions would result in the injury that was inflicted upon the victim. Before *Blackwell v Regina*, in cases relating to section 35 of the Crimes Act, a judge would direct a jury that to satisfy the notion of recklessness in relation to the particular facts before them the jury must ask the question whether the accused ought to have known that the particular kind of harm done to the victim might be inflicted because of the actions of the accused yet the accused went ahead and acted.

That question was first applied in the New South Wales case of the Crown and Coleman and had become the benchmark to determine reckless culpability until the decision in *Blackwell v Regina*. In *Blackwell v Regina* the New South Wales Court of Criminal Appeal changed the standard that a jury must be satisfied for a person to be found guilty of committing a reckless act upon another under section 35. The Crown must now prove beyond reasonable doubt that the accused foresaw the possibility of grievous bodily harm. The other two justices on the bench of the Court of Criminal Appeal who heard this case, Justice James and Justice Hall, agreed with Justice Beazley. As such, the unintended consequences of the removal of section 5 became material by the handing down of the decision in *Blackwell v Regina* in 2011.

In a nutshell, it meant that the offence of recklessly inflicting grievous bodily harm now means recklessness as to causing grievous bodily harm, not just recklessness as to some physical harm. That is, it sets a higher bar for the successful prosecution of assailants who, by their actions, inflicted serious injuries onto another person even though the facts of the case show that the assailant should have been aware that such injury may be a result of their actions. The necessity of this legislation is fundamental to making sure that people who commit acts that are deemed reckless by the Crimes Act—an instrument that was passed in this very Chamber—are punished for their actions which are in breach of the law. Otherwise we will send the wrong message to the community that people can get away with inflicting serious injury upon others even though the injury inflicted should have been contemplated by that person.

The imposition of the higher standard of "beyond reasonable doubt" would require a greater level of evidence to prove what the accused should have known at the time the crime was committed. This may lead to a person who has seriously injured another escaping prosecution because the evidence available to the Crown to effect a guilty verdict did not meet the threshold required to satisfy the standard "beyond reasonable doubt". This is the wrong message to be sending to the community. As lawmakers we should be telling the community that the law will hold them accountable to their actions. Such a message aims to instil the perception within the community that there is an expectation on each person to have regard to the people around them in relation to their actions and interaction with others. I support this bill.

**Mr JOHN FLOWERS** (Rockdale) [5.36 p.m.]: I make a brief contribution in support of the Crimes Amendment (Reckless Infliction of Harm) Bill 2012. The object of the bill is to amend the Crimes Act 1900 in relation to offences involving the reckless infliction of grievous bodily harm and reckless wounding. By way of background, the Crimes Amendment Bill 2007 removed the archaic fault element of "maliciously" from the Crimes Act and replaced it with the more modern fault elements of "recklessly" and "intentionally" where appropriate. An unintended consequence of the 2007 amendment to section 35 of the Crimes Act in relation to reckless grievous bodily harm or wounding was highlighted by a 2011 decision in the New South Wales Court of Criminal Appeal.

Item [1] of schedule 1 to the bill omits section 35 (1) to (4) of the Crimes Act and inserts instead restructured offences of recklessly wounding and inflicting grievous bodily harm. Under the amended section 35 it has been made clear that to be guilty of the offence the person has caused grievous bodily harm and has been reckless as to cause actual bodily harm. Furthermore, in schedule 1 to the bill item [2] Section 60, Assault and other actions against police officers, item [3] Section 60A, Assault and other actions against law enforcement officers (other than police officers), item [4] Section 60E, Assaults etc at schools, and item [5] Section 105A, Definitions, are subsequently amended. This makes it clear that the offences apply where a person inflicts a wound or grievous bodily harm and was reckless as to causing actual bodily harm to the victim or any other person.

I note that the bill applies the amended offences to an offence committed or alleged to have been committed on or after the commencement of the amendment. The people of the electorate of Rockdale take issues of law and order very seriously. In fact, it would be fair to say that my local community considers the safety and protection of their family and friends to be more important than anything else. That is why bills such as the Crimes Amendment (Reckless Infliction of Harm) Bill 2012 are of the utmost importance. The amendments in the bill restore the intention of legislation with regard to these offences. I commend the Attorney General for introducing this bill and acknowledge the exceptional work he is doing day in and day out to ensure that New South Wales has a legal system in which the people of this State can have complete confidence. I commend the bill to the House.

**Mr CHRIS PATTERSON** (Camden) [5.42 p.m.]: I support the Crimes Amendment (Reckless Infliction of Harm) Bill 2012. This bill makes amendments to the Crimes Act 1900 and restructures sections 35, 60, 60A, 60E and 105A. In 2007 the former Government amended the Crimes Act to remove the term "maliciously". That term was replaced with what were considered to be more modern terms or fault elements. The fault elements that replaced "maliciously" were "recklessly" and "intentionally". Although the intention at the time was not to change the operation of the legislation with regard to the offences themselves, in 2011 the Court of Criminal Appeal in considering a case posed the question of whether under the amended Act the offence of grievous bodily harm now required the foresight of the offender to cause grievous bodily harm to establish recklessness or whether the foresight of injury was still sufficient.

The court found that grievous bodily harm was the relevant consequence in respect of the new term "recklessness". Before the 2007 amendments "maliciously" was defined as not requiring the intention by the offender to cause a specific injury but only the intent to injure. The Court of Criminal Appeal found that because the term "maliciously" had been removed from the legislation the term could not be read down to mean "some physical injury". The Government agrees with that finding and this bill rectifies the unintended consequences of the amendments made in 2007. It recognises that there is a significant gap in the prosecution of offences that involve physical harm because it is more difficult to prove that the offender foresaw that there was a possibility of grievous bodily harm occurring to the victim than proving that he or she foresaw some injury occurring to the victim.

This bill ensures that the restructured offences of recklessly wounding and inflicting grievous bodily harm are clear under the Crimes Act, that to be guilty of the offence the offender must have caused grievous bodily harm and have been reckless as to causing actual bodily harm when he or she did so. To keep the terminology consistent with other provisions in the Act, the term "actual bodily harm" will be used. This will ensure that a person who is reckless in causing harm to an intended victim or any person who was not the actual intended victim of the offender does not escape liability. This same structure will apply for offences when a police officer, other law enforcement officer, school student or member of school staff is the victim of reckless wounding or grievous bodily harm. This bill clarifies the intention of the Act in relation to these offences and I commend it to the House.

**Mr BRYAN DOYLE** (Campbelltown) [5.46 p.m.]: It gives me great pleasure to speak on the Crimes Amendment (Reckless Infliction of Harm) Bill 2012. I have listened with interest to members expounding their knowledge of the law. It is good to hear that this bill has attracted bipartisan support. The amendments in the bill deal with real-life situations and the general citizenry and it also addresses offences against law enforcement officers. I am sure the member for Fairfield is pleased that it deals with students and school personnel, including teachers. The bill also addresses aggravated offences such as people breaking into homes and causing serious injury. It is about ensuring justice and a fair outcome for victims of crime. Interestingly, many members have referred to the antiquated nature of the definition of "maliciously known". It is no wonder that that definition has been amended. It was considered unnecessary and undesirable for judges to instruct juries on the definition even though it was in the legislation.

The legislation refers to every act done of malice whether against an individual or corporate body or number of individuals or done without malice or indifference to human life and suffering and so on. That is confirmation that the legislation needed to be amended. As I said, this bill has real-life implications. The case of *Blackwell v Regina*, which triggered the amendments, involved an incident that unfortunately occurs regularly. It started in the early hours one morning on a dance floor at a licensed premise. Looks and unwanted advances escalated into hard staring, a push came to a shove and the victim was struck. Unfortunately that involved a broken glass used in an attack known as "glassing". That is why we need penalties that ensure justice is done. This legislation is yet another measure in this Government's campaign to reduce violence at licensed premises, which includes the three-strikes legislation. From my 27 years in the NSW Police Force I know that this legislation will protect police officers, who in the course of their duties are required to defend the public. I am pleased to commend this bill to the House.

**Dr GEOFF LEE** (Parramatta) [5.50 p.m.]: I support the Crimes Amendment (Reckless Infliction of Harm) Bill 2012. In his second reading speech the Attorney General explained the importance of this bill and pointed out that in "2007 the former Government made a number of amendments to the Crimes Act to remove the term maliciously". One of the offences that had been set down was that of recklessly inflicting grievous bodily harm. In 2011 this offence was considered by the Court of Criminal Appeal in the case of *Blackwell v Regina*. The outcome of the case was to raise the question of whether a prosecution would be required to "prove foresight of grievous bodily harm in order to establish recklessness". The difficulty in proving the more serious offence of intention to inflict grievous bodily harm "creates a significant gap in the prosecution of offences involving physical harm". The proposed "amendments restructure relevant personal injury offences affected by the 2007 amendment so that the appropriate fault element applying prior to 2007 is reinstated". It is important to make these amendments so that police officers will have the powers they require under the law to arrest offenders.

I support our judicial system in the efficient and fair way in which it dispenses and negotiates the law. I commend the eight new probationary constables who began their duties in Parramatta this month. I joined the Local Area Commander, Robert Redfern, to welcome these newly assigned officers. From day one they hit the ground running, preventing antisocial behaviour in the Church Street Mall. The addition of these probationary constables is a fantastic win for Parramatta and the local community. We are putting as many police on the front line as possible to ensure the safety of the good citizens of Parramatta. Crime statistics are either static or falling, which show that our police are doing a fantastic job. I am thrilled to have more police on the beat in my electorate. Another win is Project Eyewatch, which was recently established in Harris Park by Nitin Setia, a community leader, and Hany Boutros, the Crime Prevention Officer at Rosehill Local Area Command. Nitin also has a business in the area—Gingers Indian Restaurant. Nitin Setia is the perfect person for the job because he is part of the community and is in touch with the Harris Park community.

Eyewatch is all about the community taking responsibility for looking after itself. The Eyewatch program has already achieved results in Lake Parramatta and Westfield Parramatta. It is great news that Harris Park has joined the program. Previously community Eyewatch meetings were held with good, hardworking Rosehill Local Area Commander Bob Barnett. He is looking after the businesspeople and others in the community. Harris Park has had a chequered history, but the police and the community are working together to make the streets safe. Bob Barnett also deserves praise for carrying out regular site visits. I was pleased to see him walking the beat on the main shopping streets of Telopea, which is an area that has some potential issues. Whenever possible, Bob sends police to patrol the area and to talk to the local shopkeepers and members of the community.

The community policing officer is working with some of the shopkeepers in the more vulnerable shops to develop plans to proactively reduce crime in the area—crimes such as shoplifting and malicious damage. Bob Barnett and I were in Ermington, together with my colleague the Federal member for Bennelong, to look at

crime in Ermington. It is a busy shopping area that has had some problems with graffiti, bag snatching and associated petty vandalism and antisocial behaviour. I spoke to many of the local owners and shopkeepers who told me that the police are on the job. Last week I popped in unexpectedly to visit the commander and his officers, who were in the shopping mall. The commander had the Mobile Police Command Unit in the area, which is a great way to show the physical presence of the police.

People sometimes ask if we are getting on top of crime and I use Bob Barnett and his team as a commendable example. In the past 12 months there have been 12 incidents in just one shop in the area. In 25 per cent of those incidents the police investigations have led to an arrest and prosecution; in 50 per cent of those cases further action will be taken and in 25 per cent where no action has yet been taken the police are still looking for the perpetrators of the crime. I commend Bob Barnett, the Local Area Commander for Rosehill, and Robert Redfern, the Local Area Commander for Parramatta, together with their teams, for their hard work in the Parramatta electorate. I commend the Crimes Amendment (Reckless Infliction of Harm) Bill 2012 to the House.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [5.56 p.m.], in reply: It gives me a great deal of pleasure to speak in reply to the debate on the Crimes Amendment (Reckless Infliction of Harm) Bill 2012. I thank the members for Myall Lakes, Liverpool, Orange, Fairfield, Rockdale, Campbelltown and Camden for their thoughtful contributions to the debate. I particularly liked the brief summation that the member for Parramatta gave a few moments ago. The bill corrects the unintended consequences of the amendments made in 2007 and restores relevant offences to their intended operation, closing the gap in the hierarchy of personal violence offences. I note members on both sides of the House support the Crimes Amendment (Reckless Infliction of Harm) Bill 2012, and I commend it to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mr Geoff Provest agreed to:**

That this bill be now read a third time.

**Bill read a third time and transmitted to the Legislative Council seeking its concurrence in the bill.**

### **MOTOR ACCIDENTS AND LIFETIME CARE AND SUPPORT SCHEMES LEGISLATION AMENDMENT BILL 2012**

**Bill received from the Legislative Council, introduced, read a first time and printed.**

**Second reading set down as an order of the day for a future day.**

### **JUDICIAL OFFICERS AMENDMENT BILL 2012**

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

*[The Acting-Speaker (Ms Melanie Gibbons) left the chair at 5.58 p.m. The House resumed at 7.00 p.m.]*

### **PRIVATE MEMBERS' STATEMENTS**

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#### **WESTERN SYDNEY SUICIDE PREVENTION AND SUPPORT NETWORK**

**Mr BART BASSETT** (Londonderry) [7.00 p.m.]: I inform the House about the Western Sydney Suicide Prevention and Support Network. Members often speak in this place about programs or causes in their electorates that are usually of a positive nature. Unfortunately, tonight I will speak of a group that was founded

out of deep sadness and grief at the loss of loved ones. Last Wednesday evening I attended a special occasion, which was hosted by the Western Sydney Suicide Prevention and Support Network, to launch a suicide prevention kit. The event was held at the Hawkesbury Race Club. Suicide claims 2,000 lives in Australia every year, and about 65,000 Australians will attempt suicide. The Western Sydney Suicide Prevention and Support Network was established in 2009 to help the bereaved share their feelings of pain and anguish and to discuss suicide prevention strategies.

About 70 people from all walks of life attended the launch, including Louise Markus, Federal member for Macquarie; Tiffany Tree, Deputy Mayor of Hawkesbury City Council; and Jim Aiken, OAM, a former mayor of Penrith City Council. Representatives from the NSW Police Force included Inspector Harry Goddings, Penrith Local Area Command; Sergeant Melissa Clarke, Hawkesbury Local Area Command; and Inspector Peter Jenkins. Tony Cassidy, Manager of Wesley LifeForce, and David Cook, District Governor of Rotary District 9690, were also in attendance. I also met many parents who had lost adult children to suicide. One mother, whose son had committed suicide recently, had driven from Gulgong to attend the launch. She spoke from the heart about how important it was to remember her son and his legacy, and how his life and time on earth had had meaning. It was a very powerful and moving speech.

People from all walks of life are affected by suicide; it does not discriminate amongst socio-economic groups. Peter Webb, Chair of the Western Sydney Suicide Prevention and Support Network, comes from the Kurrajong North Richmond Rotary Club. Peter has not lost a loved one to suicide directly. He was asked to take on the role because of his involvement in mental health forums and information sessions in the community for many years through Rotary. Dr Gregory de Moore, a psychologist based at Westmead and Blacktown hospitals, was the guest speaker. He spoke about the life of Tom Wills who had died at the young age of 44. Tom committed suicide on 2 May 1880. Unfortunately, Tom has been forgotten. He was a character who lived life to the full and his legacy lives on today. Tom Wills was one of the pioneers of Australian football. He was instrumental in introducing rugby union to this country and in drafting the code for Aussie Rules. One day following Tom's suicide the press went to interview his mother; she denied having a son.

Behind every statistic there is a human being who lived, breathed, loved and was loved. Suicide is a tragedy of unmeasured pain and grief for families, friends and loved ones. The Western Sydney Suicide Prevention and Support Network was the initiative of Genean Beetson of Simplicity Funerals in the Hawkesbury. She had noticed an increase in the number of suicide-related deaths coming into the funeral home. She wanted to do something to support those loved ones who struggle to deal with the grief; she also wanted to break down the stigma attached to it and increase awareness of suicide. That wonderful groups such as the Western Sydney Suicide Support and Prevention Networks exist is unfortunate, but they provide a vital community service. The Cancer Council Relay for Life is yet another great cause that does so much to assist in fundraising and raising awareness of cancer, a horrible disease that affects too many in our community.

Our aim should be to see the day when groups such as these no longer exist, where we can live in a world without cancer and without suicide. I was honoured to be asked by the patron of the Western Sydney Suicide Prevention and Support Network along with Councillor Jim Aiken, OAM, to attend. I thank all who give of their time and talents to support causes such as the Western Sydney Suicide Prevention and Support Network. I will do whatever I can to help save lives and prevent people from committing suicide. Donations to this organisation will help to provide more suicide prevention packs for distribution to western Sydney local area commands and extending to the Blue Mountains. I congratulate the Western Sydney Suicide Prevention and Support Network on its great work in supporting those affected by suicide and in ensuring that the stigma of suicide is minimised. It is important for people to feel comfortable when talking about suicide and, hopefully, others will be less likely to consider committing suicide in the future.

#### **DEMENTIA AND ALZHEIMER'S DISEASE**

**Ms SONIA HORNERY** (Wallsend) [7.05 p.m.]: There can be few more devastating experiences in life than watching a loved one, someone who has nurtured and guided you through life, disintegrating before your eyes. To witness a loved one's cognitive skills, language, judgement and memory dissipate must be horrendous. Sadly, this will be an experience that many of us will have to endure as dementia becomes more prevalent in our society. When I became involved in keeping the Wallsend Aged Care Facility—a ward of the former Wallsend hospital—in public hands my eyes were opened. This facility caters for the most difficult and high-care dementia sufferers in the Hunter region. It is so important that those people continue to receive love, care and quality of life from the nurses and clinicians at the facility. Dementia usually occurs in older people. Although it is rare in people under the age of 60, it is not unknown. The older you get, the more you are at risk.

A number of medical conditions can lead to dementia. Alzheimer's disease is the most common type of dementia. Most types of dementia are degenerative and at this point in time there is no cure. But there is more to this story than the personal grief of sufferers of this disease and of those who love and care for them. The economic and social cost is extraordinary. In 2009 more than 1 per cent of the population was diagnosed with the disease—that is, 245,000 Australians affected directly by dementia. It is predicted that in the next decade there will be a 50 per cent increase in these numbers. The Hunter region is not immune. Alzheimer's Australia NSW Regional Manager Sally O'Loughlin said:

... in the Hunter region, there are already an estimated 8,000 people with dementia. As the population ages, the hammer blow of the looming dementia epidemic will be felt in the Hunter. We desperately need more support for research to help find a cure.

By 2050 the prediction is for a staggering four-fold increase in the number of sufferers. By the same year it is estimated that spending on dementia will reach an astronomical \$83 billion, making it the most expensive single health condition in the country. The importance of dementia cannot be understated. This is why I was so pleased to hear the announcement that valuable research into the early detection of Alzheimer's would be undertaken by Associate Professor Peter Schofield of the University of Newcastle and his team. Professor Schofield described his research thus:

We are developing novel, low tech ways of investigating individuals with possible dementia disorders that could be used by general practitioners. More research support would allow us to speed up this important translational work.

The crux of the matter is that while excellent research is being undertaken in Australia in the area of dementia, more funding is still needed. Ita Buttrose, President of Alzheimer's Australia, succinctly summed up the situation when she said:

The role of Government is to help us find the money. And we're very conscious of the fact there's a lot of demands on the Government for money but unless we address this issue, the cost down the track will be horrendous.

#### NEW ITALY SETTLEMENT

**Mr CHRISTOPHER GULAPTIS** (Clarence) [7.10 p.m.]: I acknowledge the wonderful contribution that the settlement known as New Italy and its descendants have made to northern New South Wales. New Italy is situated some 13 kilometres south of the township of Woodburn in northern New South Wales. The Pacific Highway bounds the settlement to the east and Double Duke Forest forms the southern boundary of the settlement. To the west it adjoins the Bungawalbyn wetlands and to the north it borders canelands associated with Swan Bay. New Italy had its beginnings in 1880, when families of farmers from the region of Veneto in northern Italy were beguiled by the Marquis de Rays to purchase homes and fertile land in a phantom paradise of the Pacific named La Nouvelle France, an imaginary kingdom in the Bismarck Archipelago.

Cleverly worded advertisements spoke of sunshine, lush vegetation and beaches, and the promise of freedom, of not living under a dictatorship. Despite warnings of the unsuitability of the proposed land and the Royal Investigation Bureau in Milan issuing a direction that no passport would be issued to any Italian participating in the scheme, 50 families boarded the *India* in Barcelona in July 1880. In October of that year, after a disastrous voyage, the expedition arrived at the promised land, Port Breton, only to be confronted with deprivation and death. The supplies on the island were meagre and grossly inadequate, while the promised well-built housing was non-existent. On 16 December the two captains, de Prevost and Rombardy, Mr McLauchlan, a captain on a previous expedition, and Pere Lannuzel, the priest, set sail on the *Genii* to collect supplies from Sydney. The top administrators and the priest forsaking a desperate community did not help with the morale of the Italian migrants.

The Italians spent four months at Port Breton, suffering the constant rain and impenetrable vegetation, and they struggled to find food and shelter. Many suffered from fever and illness, and many died there. On 20 February 1881 the *India* departed Port Breton to seek refuge, and by strange fate the *Genii* returned to the cove on the same day, although the ships never sighted each other. From Port Breton the emigrants travelled to Noumea on the *India* but soon discovered their new location unsuitable also as it was a penal colony. The *India* was then declared unseaworthy by the local authorities in Noumea and the emigrants were now stranded. The Italian Consul in Australia heard of the emigrants' misadventure via his colleague in Noumea and requested assistance from Sir Henry Parkes, the then Premier of New South Wales. As a gesture of goodwill Parkes arranged for their rescue and chartered the *James Paterson* to collect the survivors. On 7 April 1881, 217 of the original 340 emigrants arrived in Sydney, destitute and in poor health.

Whilst the original settlers experienced a terrible journey, with many dying before reaching their destination, they embraced their new country with gratitude and enthusiasm. They were proud of their culture but recognised that they were in a new country with a different language and culture. They learnt the new language and customs but have never forgotten their own. Following the original settlement at New Italy, successive migrations of predominately northern Italians made their place here, working the land and developing a vital community. They found work in the cane fields, felling timber, and in factories, and developed their banana plantations, small crop farms and town businesses. On Sunday 15 April I had the pleasure of celebrating the 131st anniversary of the Sydney landing at New Italy. I was joined by hundreds of North Coast locals, as well as many of the descendants of the original settlers, including the Hon. Brian Pezzutti, a former member of the other place, and Dr Bill Nardi, a renowned North Coast ophthalmologist.

I am sure the original settlers would be proud of their progeny, both for making such a success of their lives and continuing to remember their origins and pay respect to their forbears. On Sunday 15 April I enjoyed Italian food, local wine and music and dance that was festive and joyful. It was a bit like the godfather's wedding. There was a full program for the day, including mass in the morning, the story of the journey told by President John Barnes, bocce classes for the children and a bocce tournament—and the museum was open all day. I particularly mention the contribution of the following people for keeping the New Italy dream alive: John Barnes, president; Americo Melchior, vice-President; Charlie Tyler, treasurer; Donella Kinnish, minute secretary; Gail Williams, who runs the gift shop; Lester Cooke, the information technology man; Ellen Barnes, who runs the museum; Margaret Robinson, membership officer; and Florian Volpato and Spencer Spinaze, two of the originators of the museum complex.

#### **WESTERN SYDNEY CYCLING NETWORK FIFTH ANNIVERSARY**

**Mr NICK LALICH** (Cabramatta) [7.15 p.m.]: On 3 June 2012 I was proud to attend the Western Sydney Cycling Network fifth year anniversary celebrations at Nalawala Urban Sustainable Hub, which is within the Fairfield Showground Precinct and is made up of the Western Sydney Cycling Network shed and community clubhouse and the indigenous plant nursery. Founded five years ago in 2007, the Western Sydney Cycling Network has done a tremendous job of providing and promoting a fun and healthy lifestyle to the people of western Sydney. Riding a bike is a great form of recreation. It keeps people of all ages active, provides exercise and facilitates the ability for western Sydneysiders to make friends with other like-minded people. The Western Sydney Cycling Network has four fully trained coaches and team leaders who are licensed to teach children on school premises. The four are John James, President of the Western Sydney Cycling Network, Joe Farrugia, Deputy President, Doug Draper, former and founding President of the cycling network, and Glenis Draper. They are all founding members of the cycling network.

The cycling network visits four local schools per week in the fight to prevent obesity in children in what is known as the Active After School Program. The schools are Lansvale Public School, Canley Heights Public School, Governor King Phillip School and Middleton Grange Primary School. Some 150 recycled bicycles from the Western Sydney Cycling Network shed are supplied for this program. The Western Sydney Cycling Network bike shed repairs and recycles bikes. This shed refurbishes old donated bikes and then loans them out to members of the community for their use. I am advised that more than 1,530 bicycles have been through the shed since its establishment, which over the five-year life of the Western Sydney Cycling Network equates to about 300 bikes a year or close to one a day. Currently 1,440 recycled bikes are classed as permanently on loan.

That is a tremendous effort from the network, with old bikes being put back into the community and not into landfill, thereby reducing our carbon footprint. The recycling workshop is operated by Joe Farrugia and Doug Draper, with the assistance of Dave Andrews, Dave Snowden, Charlie Cordina and John Hanna. These locals are making a tremendous effort, putting back into the community to promote vigorous and healthy lifestyles. The Western Sydney Cycling Network currently has approximately 70 members who take part in meetings every month and the monthly community ride, which is held on the first Sunday of every month, with a free barbecue held for the members and participants.

There are also the Thursday Ride for the Public and a Saturday ride for the team leaders and coaches, which is used to survey the bike routes for the community rides. I cannot speak highly enough of the dedication and professionalism that is shown by the Western Sydney Cycling Network in the way it operates its organisation. All of this is done on a voluntary basis. The Western Sydney Cycling Network continues to move from strength to strength whilst steadily building on its good reputation. Bicycle New South Wales often asks the network for assistance to provide marshals for its fundraising activities, such as the ride to fight cancer in

children, as well as participating and offering assistance to other important rides such as the Spring Cycle and the activities of the Amy Gillett Foundation, the Para Pedal Foundation and Gear Up Girl. It also has received many awards over the years, the main one being the Keep Australia Beautiful Award in 2008.

The benefits of a healthy and active lifestyle are good for both the mind and body. Out in the western Sydney region there are high rates of diseases such as diabetes as well as heart and lung diseases which can be staved off or at least minimised by regular exercise and activities such as cycling. Bike riding has seen a resurgence in popularity from community members of all ages, which is great to see. It is an activity that is ageless: anyone can get up and have a go. It is a relatively inexpensive hobby. It is good for the body and mind and, importantly, it gives people a chance to get out and socialise. Once again I congratulate the Western Sydney Cycling Network, the President, Mr John James, and his team in particular.

I thank Ms Alison Mortimer of Fairfield City Council, who was instrumental in establishing the club and I wish it every success for the future. The idea for the Western Sydney Cycling Network followed a trip to New Zealand when I was Mayor of Fairfield. A cycling network was established in Nelson and Palmerston North. From there it has grown into Fairfield council's great recycling bike initiative. The council loans bikes to members of the community so that they can ride the 100 kilometres of bikeways throughout the Fairfield area. I can inform the House that every weekend there is a big crowd.

### **PORT MACQUARIE ELECTORATE ROADS FUNDING**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [7.20 p.m.]: This evening I speak about roads funding in the Port Macquarie electorate. Yesterday's State budget delivered more than \$60 million for roads in my electorate, and we need every cent. Before I speak about the wins for our local roads let me talk first about the Pacific Highway. I state at the outset that just like everyone else in my electorate I am sick and tired of the funding tennis game that is the Pacific Highway. However, this is not a game that we are playing; it is about people's lives, and keeping them safe on the nation's number one highway is my priority. Let me turn to the facts. The Federal Government entered an agreement with the previous State Government to fund the highway with a 20:80 split of the cost. That was made very clear with the signing of a memorandum of understanding between Federal and State Labor Ministers. It was all pretty clear-cut.

To reinforce this, on 23 May this year my colleague Senator Williams said at a Senate Rural and Regional Affairs and Transport estimates committee hearing that only one project on the Pacific Highway was funded under an 80:20 funding split. The Gillard Government, like South Sydney's Nathan Merritt, is now doing a backflip. Go the Blues tonight. The Federal member for Lyne takes every opportunity to attack me and The Nationals when he should be backing his local community and calling on the Prime Minister to honour the previous funding commitment. Just this morning he took to Twitter with a vengeance, itemising every past mention of Pacific Highway funding that he could find. Tweeting and his ongoing slaps at Nationals members, many of who were his former colleagues, may be easy. Getting on with the job of delivering the outcome is the hard part.

For the record, over the past five years the Rudd-Gillard Federal governments have funded the Pacific Highway 80:20 or better. However, under the Liberal-Nationals State Government this agreement appears to have been a conveniently forgotten memory. I shall outline the facts of the funding split: 90:10 for the Urunga duplication, 96:4 for the Bulahdelah bypass, 70:30 for the Ballina bypass and 80:20 for Devils Pulpit. That may be good enough for those communities but it is not good enough for the rest of us who are still waiting. It is true that the member for Lyne has used his unique political position to garner funds for our electorate, including the increased presence of universities and expanded airport and hospital funding, which are all very welcome. However, it is now time for him to step up and to use his new paradigm to stop carnage on the highway.

I call on the member for Lyne to back his local community and to urge the Gillard Government to commit its share of Pacific Highway funding, as it has done for the other areas that I mentioned. As my colleague and renowned Pacific Highway advocate the member for Coffs Harbour told local media this morning, the O'Farrell-Stoner Government should now simply start negotiating with the Federal Coalition to get the funding so that we meet our commitment to complete the Pacific Highway by 2016. I agree. Who could argue otherwise? I turn now to a government that is delivering for the local community. More than \$60.2 million for local road projects was announced in yesterday's budget, including \$31 million to complete construction of the dual carriageway upgrade of the Pacific Highway between Herons Creek and Stills Road as well as continued planning for the upgrade of the Pacific Highway between the Oxley Highway at Port Macquarie and Kempsey. The Government also finalised costs associated with the recently completed upgrade of the Oxley Highway between Wrights Road and the Pacific Highway at a cost of \$5 million.

In addition, \$4.9 million was allocated for the upgrade of Ocean Drive between Emerald Downs and Greenmeadows Drive, \$6.5 million for pavement rebuilding on the Pacific Highway near Herons Creek and Houston Mitchell Drive, and \$2.4 million for construction of passing lanes on the Oxley Highway between the Pacific Highway and Wauchope. However, there is more—\$8.6 million will be spent on routine and minor roadworks maintenance as well as grants to Greater Taree City Council at Port Macquarie Hastings Council for roadworks projects, \$1.3 million towards the upgrade of Stingray Creek Bridge at North Haven, and \$395,000 for repairs to Dennis Bridge over the Hastings River. The list goes on. I have given both councils in my electorate a commitment that I will continue to seek as much money as possible to fix this important infrastructure. Everyone in the electorate knows that roads are in desperate need of repair and this funding will go a long way towards making those repairs possible. These announcements are all very welcome and I am sure that the community will be very pleased with the outcomes.

### LUKE PRIDDIS FOUNDATION

**Mrs TANYA DAVIES** (Mulgoa) [7.25 p.m.]: I inform the House of the life-changing work of the Luke Priddis Foundation in the western Sydney region. Former first grade rugby league player Luke Priddis and his wife, Holly, established the Luke Priddis Foundation in 2006 following the diagnosis of their third child, Cooper, as having autism spectrum disorder [ASD]. Following Cooper's diagnosis they entered an unfamiliar world of meetings, assessments, occupational therapy, speech therapy and early intervention. Searching for appropriate intervention programs revealed that there was a lack of services in the western Sydney area. Further to this, the services that were accessible struggled with a lack of funding, along with a lack of provisions suitable to provide appropriate intervention for children with autism spectrum disorder and other special needs. The aim of the Luke Priddis Foundation is to maximise the services and opportunities available to autistic and special needs children.

I met with Luke Priddis and the principal of Glenmore Park Public School, Michelle Collins, a few months after being elected as the member for Mulgoa. They presented me with a joint proposal for the Luke Priddis Foundation to provide its services in an unused school demountable located on the school grounds. I was impressed with the passion, innovation and solution-oriented approach demonstrated by Luke and Michelle at this meeting. However, at this meeting I was informed also that the Department of Education and Communities had informed the school that it would be removing the unused demountable because it was its policy, regardless of the alarming need for these services to be provided to my local community.

Following my strong representations to the Minister for Education for the demountable to be retained on site for the foundation to deliver its programs the Minister agreed to a 12-month trial. I thank the Minister, the Hon. Adrian Piccoli, for his support for this proactive solution to address a growing need for autism spectrum support services. I had the privilege of witnessing the work of the Luke Priddis Foundation and watched Kari Parker reinforce learning objectives and build ongoing trust with the young participants in the playgroup. I spoke with the mums of these children and they praised the Luke Priddis Foundation for its practical ideas, emotional support and ability to meet other parents, support and learn from each other.

While Principal Michelle Collins has engaged the University of Sydney to conduct a third party evaluation of the program effectiveness, I can already report some outstanding results. An eight-year-old boy was not giving eye contact or speaking to the Luke Priddis Foundation workers but after two terms he is now giving limited eye contact to the workers and speaking freely. A five-year-old girl was not speaking at home one year ago and is now speaking words that are meaningful. At the conclusion of the playgroup session I observed when she was prompted to say goodbye she came up to me, hugged me and said, "I love you." The interaction between the children is now improving, with the children participating in the senior Lego sessions now engaging with each other in the construction of their projects when one year ago they all worked individually.

The Luke Priddis Foundation is not short of vision. It is aiming to establish an academic social skills program to assist young people transition to high school. The foundation wants to establish a parents training program on the transition to high school, additional services and funding available to support families and ultimately build a purpose-designed facility to facilitate its programs. I thank the St Marys Rugby League Club for its generous donation of \$2,000 towards the costs of establishing a junior Lego club. I thank the official sponsors of the Luke Priddis Foundation. This includes Zac Homes, Penrith Mazda, RAMS Home Loans, CIB Accountants and Advisers, Western Weekender, Timeline Photography, Pages Exhibition Events Lighting and AV, In-House Technical Services, Chifley Penrith, Astina Serviced Apartments, Abcoe Distribution, SEI Carbide Australia, Western Motorcycles, Reimer Winter Williamson Lawyers, York Jewellers, Penrith Party Hire, University of Western Sydney, Penrith Panthers, National Rugby League, Elegant Function Accessories, The Carrington, ANZ Stadium and Greater West VIP Limousine Service.

In conclusion, I impress upon the Minister for Education that the policy of the Department of Education and Communities of automatically removing unused demountables must be amended to ensure that where a school can demonstrate a community-based solution to a community need that can be self-funding the unused demountable remain on-site to meet the needs of school students and local citizens. The Luke Priddis Foundation has formed a positive, practical and purposeful joint solution for children with autism spectrum disorders and their families. I am very proud that this joint cooperative arrangement between the local public school and the Luke Priddis Foundation is in my electorate and is operating proactively with fantastic workers who understand the needs of these children and, more importantly, the needs of their families. They are working together in a proactive and meaningful relationship. I know the impact that the Luke Priddis Foundation is having on families may never be fully identified or documented but I know from personal experience the incredibly powerful impact it is having on those parents, enabling them to meet parents in similar circumstances and encouraging them to support each other. It is also a helpful tool in assisting these parents to adjust to living with children with this disorder.

**Private members' statements concluded.**

**INTERNATIONAL WORKERS' MEMORIAL DAY**

**Matter of Public Importance**

**Mr MICHAEL DALEY** (Maroubra) [7.30 p.m.]: I speak tonight about the International Day of Mourning. I have been in this place for almost seven years and if someone were to ask me what was one of the most moving and memorable moments I have experienced I would have to say it was the day former Premier Morris Iemma stood in this place and announced that a settlement had been reached with James Hardie for a fund to assist asbestos sufferers and victims. I remember Bernie Banton sitting in the Speaker's gallery to my right with his wife, Karen, and there were tears in his eyes, as there were in the eyes of a great many members in this place. I did not know it then but a short two or three years after that I was to become the Minister for Finance, with responsibility for the governance of the WorkCover scheme. On 28 April 2010 or thereabouts I was asked to attend a memorial service for the International Day of Mourning at Reflection Park in Darling Harbour.

I suspect that like a great many people, probably the overwhelming majority of citizens in New South Wales and the rest of Australia, I had no idea that such a memorial service took place on the so-called International Day of Mourning and certainly I had no conception that it would be the type of ceremony that I encountered. International Workers' Memorial Day, or the International Day of Mourning as we call it in New South Wales and Australia, was started by the Canadian Union of Public Employees in 1984. In 1985 the Canadian Labor Congress declared 28 April an annual day of remembrance for workers who are killed in accidents or who die as a result of disease acquired in the workplace. We acknowledge that day every year in Australia.

In New South Wales on 28 April each year a service is held at Darling Harbour that crosses all religious and political divides. There is a beautiful sculpture there entitled *Memory Lines*. There are interfaith readings and a speaker or two but formalities are kept to a minimum. Then widows and widowers and children of people who have not come home from work pin photographs, stories and mementos to this beautiful sculpture. It is very moving, and so it should be. I acknowledge for the *Hansard* record the good job done by the Leader of the Opposition, John Robertson, the former head of Unions NSW, who was one of the prime instigators of this service that is held at Reflection Park every year.

In Australia each year about 440 workers are killed in work-related accidents but the international statistics are staggering. According to the International Labour Organization more than two million men and women die as a result of work-related accidents and diseases each year. Workers suffer approximately 270 million accidents each year and fall victim to some 160 million incidents of related illnesses. Hazardous substances kill 440,000 workers annually. Asbestos claims 100,000 lives. One worker dies every 15 seconds worldwide and 6,000 workers die every day. Worldwide more people die whilst at work than are killed fighting in wars. This week and next week the subject of workplace death and injury will be discussed in this place with quite some heat, I would think. I call on members of the Government of good conscience to keep those statistics in mind but, more importantly, as they consider this issue I ask them to keep in their hearts those people whose hearts used to beat.

**Mr CHRIS SPENCE** (The Entrance) [7.35 p.m.]: I speak on behalf of the Government in debate on the matter of public importance. The International Day of Mourning is recognised worldwide as a day to mourn, to honour and to pay tribute to workers who have lost their lives in workplace incidents or from occupational disease. The annual New South Wales event is organised by Unions NSW with WorkCover's assistance. The Sydney observance of the International Day of Mourning is held each year at Reflection Park in Darling Harbour on 28 April. During the ceremony families can honour their loved ones by placing a personalised memory card on the *Memory Lines* sculpture. The ceremony is usually conducted by representatives from the Christian, Jewish and Islamic faiths. Many workplaces also mark the day with a minute's silence at 11.00 a.m.

This year's Sydney ceremony for the International Day of Mourning was the largest ever held in Australia. It was attended by approximately 350 invited guests and a number of workers, along with dignitaries and the Minister for Finance and Services, the Hon. Greg Pearce, who had an opportunity to address those in attendance. WorkCover has funded the event over a number of years and writes to more than 200 families to invite them to attend the service. In early 2011 WorkCover approved funding to Unions NSW for a further three years to contribute to the cost of the event. The International Day of Mourning is an opportunity to remember those who have lost their lives in difficult and tragic circumstances. Safe Work Australia reported just last month that in 2010-11 there were 138 notified work-related fatalities—120 workers and 18 bystanders—and all but 14 were men.

The most common cause of fatality was being hit by falling objects. Others included falling from a height, being hit by moving objects, being trapped by machinery or between objects, or contact with electricity. These incidents are all preventable. Industry bodies, government, WorkCover and other stakeholders continue the efforts to raise the awareness of safety in the workplace that can help prevent the tragedy of becoming one we remember on 28 April each year. While there has been a steady decline in workplace injuries in New South Wales over the past 20 years—they have almost halved—there is always more that can be done. When we farewell loved ones as they leave for work the idea they may not come home again is beyond imagination. We expect they will be safe at work and will return in time for dinner and a bedtime story. Those that we honour on the International Day of Mourning for workers are not simply names and faces; they are mothers, fathers, brothers, sisters, sons, daughters, and friends.

The impact is devastating. It should be a reminder to everyone in the workforce that injury and loss of life can happen, and overlooking a safety measure has the potential to cause harm either to themselves or to a co-worker. No-one should lose his or her life or be injured as a result of a workplace incident. The annual cost of workplace incidents to the wider New South Wales community runs into tens of billions of dollars. As industries and businesses in New South Wales become more and more aware of preventable workplace incidents they continue to take significant steps not only to implement health and safety measures, but also to change the culture of their workplace. There will always be more to be done. The New South Wales Government stands firm on its commitment to ensure the culture of safety in our workplaces remains a top priority.

**Mr CLAYTON BARR** (Cessnock) [7.40 p.m.]: International Workers Memorial Day, or the International Day of Mourning, is held on 28 April. I live in a community, village, town and region founded on coalmining. There would not be a person in my electorate who does not know of someone who has died at work. Not everyone in my region is a coalminer but coalmining is definitely one of life's more dangerous occupations. Many of my friends work in the coalmines. Some of my friends have died on the way to or from work or from accidents not of their own cause. Members of this Chamber drive or fly long distances to and from work and some of us will meet our Maker at a time not of our choosing but as a result of an accident.

Today a rally was held in front of Parliament House and, while much was said and spoken, with music and chanting, the biggest impact of the rally was the placing of flowers on the front fence in remembrance of those who have died in their workplace. I have worked in and around death probably more than most members in this House. In my previous work we always took time to remember those who were no longer with us. They were not only times of tears and sorrow but also times of reflection on the importance of living. Hence the slogan for Workers' Memorial Day: Remember the dead—fight for the living.

In September each year the United Mineworkers Federation of Australia, Northern Districts, at Cessnock holds a memorial wall commemoration service. Eighteen hundred names are on that wall. Mining in the Hunter region started in 1801 and for the next 200 years until 2001 there was not a year in which a life was not lost in the mines. On 3 June 2011 we lost our most recent, Peter "Spider" Jones. There have been 1,800 people—the youngest 11 and the oldest 73 years—killed in the mines in the Hunter, more than all Australian soldiers killed in Korea, Vietnam, Iraq and Afghanistan. If we weep for our soldiers how do we not weep for those men and women killed in the workplace?

**Mr MICHAEL DALEY** (Maroubra) [7.42 p.m.], in reply: I sincerely thank the member for The Entrance and the member for Cessnock for their contributions to this important discussion on the International Day of Mourning. The member for The Entrance summed it up best when he said it is beyond comprehension that we could expect to lose someone we know by virtue of their merely going to work. During these discussions we think of our own children and our wife or husband at home and what it would mean to them to get a call to say that their parent or spouse will not be coming home. I wonder what would go through one's mind on receiving such a call about a soldier at war, someone who works in a dangerous occupation, such as the coalmining industry as mentioned by the member for Cessnock, or as a police officer.

I recall when I was Minister for Police being told that an officer had been shot and it was very moving. It is bad enough to encounter death in a dangerous workplace, but deaths do not occur just in dangerous workplaces and people come to grief in many and varied workplaces. We never know when a workplace accident might occur. When husbands, wives and relatives get a call that their loved one has died I can only wonder what they say to the children. It is beyond comprehension. I thank the members who contributed to this discussion and I thank the other members in the Chamber for the respect they have shown during this debate.

**Discussion concluded.**

## **PRIVATE MEMBERS' STATEMENTS**

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### **BATHURST COMMUNITY CABINET MEETING**

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.45 p.m.]: I want to speak about a recent Community Cabinet meeting held in Bathurst at the Mount Panorama pit complex on Monday 4 June 2012. The community of Bathurst was given only a few weeks' notice that the Premier and his Cabinet were coming to the electorate and within two weeks there was an overwhelming response from the community of people who wanted to attend the Community Cabinet meeting. Representatives came from all parts of the electorate, including Bathurst, Lithgow, Blayney, Oberon, Kandos, Rylstone, Portland and Wallerawang. I pay tribute to my parliamentary colleague and neighbour the member for Orange, who was also co-host of the Community Cabinet meeting. A number of representatives attended from the Orange and Wellington electorates. The member for Dubbo and the member for Blue Mountains also attended.

When the Ministers arrived stakeholder meetings were held where people had the opportunity to register time with a Minister to engage in face-to-face dialogue on any issue that was important to their community or any groups they represented. Some Ministers met with various groups and viewed firsthand some of the great aspects and facilities of the electorate. A public forum was held, giving the community an opportunity to ask questions of the Premier and his Ministers on any issue they were concerned about. The public were overwhelmed and pleased to hear the responses from the Premier and his Ministers about their plans, in particular, for regional communities in New South Wales. There was a great buzz in the room and for nearly 1½ hours questions were asked by the public and answers provided by the Premier and his Ministers. The topics covered were job creation, transport, rail and road, education, the Bells Line Expressway, and economic development.

Those who attended commented positively on this informative Community Cabinet meeting and were pleased to be able to meet with and hear firsthand from the Premier and his Ministers. While Premier O'Farrell was in my electorate he made a couple of major announcements, to which I will refer next week in more detail. He announced that Bathurst would receive a daily return train service from Bathurst to Sydney, a service that was not delivered under the previous Labor Government. This election commitment of the Liberal-Nationals Government will be honoured later this year. The Minister for Transport travelled by train to Bathurst and, together with the Premier, made the announcement about this service. The announcement was met with enthusiasm by the community and members of the Rail Action Bathurst Group. We look forward to this promise being delivered later this year.

Whilst the Deputy Premier was in my electorate he announced that a new company called Laser Bend Weld from Sydney would relocate in the Bathurst electorate. Laser Bend Weld will inject approximately \$1.8 million into the local economy and will create 11 new jobs in the area. The Minister for the Environment announced that the St Michael and St John's Cathedral will be State Heritage listed, which is an important milestone to obtain funding for necessary works on that building. The Premier and his Ministers also spoke

about the commitments that have been given to regional communities, especially the Bathurst electorate, and the amount of funding that has been allocated over the past 15 months with the change of Government. The Premier and his Ministers are very welcome in my electorate any time and we hope the announcements continue in the future.

### **URBAN DEVELOPMENT**

**Mr KEVIN CONOLLY** (Riverstone) [7.50 p.m.]: I want to advise the House about the progress the Government has made in removing the roadblocks hampering urban development in this State and particularly the impact on my electorate of Riverstone. Since I was elected to this place I have found that although land has been rezoned in many parts of my electorate and in surrounding areas in recent times development has been painfully slow and difficult to achieve. One of the reasons is the lack of infrastructure that we have heard so much about when reflecting on the former Government's performance over 16 years. That failure by the Labor Government has created a huge roadblock for urban development in this State. Infrastructure had not been delivered and there were no plans for it to be delivered when rezoning was approved. Even when land was rezoned for urban development landowners could not develop it and put it on the market. That has proved to be a difficult challenge to overcome. Once a significant backlog has been created there is no short-term or easy fix to ensure that expensive, long lead-time projects are delivered when they are required.

It gives me great pleasure to talk about the measures included in yesterday's State budget which address many of these issues. The Government will establish the Housing Acceleration Fund, which is the realisation of the Government's commitment to implement specific projects targeted at growth areas of New South Wales. It is designed to unlock potential developments by providing key infrastructure, the lack of which is holding back projects. In my electorate that involves projects on Richmond Road between Townson Road and Grange Avenue and on Schofields Road between Railway Terrace and Veron Road and a sewer main in the First Ponds Creek area. Those projects will facilitate development in that region. It was the lack of key roads, sewer mains and other infrastructure that prevented people in those areas developing their land and putting it on the market. Those projects will be warmly welcomed in the Riverstone and Alex Avenue precincts and also the more recently rezoned Schofields precinct. They will be much more accessible as a result of the completion of these projects over the next couple of years. Those works that have been on the drawing for two, three or four years will now be commenced in the coming financial year and completed so that development can go ahead more quickly.

It gives me pleasure to welcome the increase from \$10,000 to \$15,000 in the First Home Owner Grant Scheme for people buying new homes. That is a real incentive for people to purchase new homes that are being constructed in these areas. It provides the other side of the ledger, that is, the buyers for the homes that will be generated as a result of the implementation of the Housing Acceleration Fund. There will be a strong market and people will feel confident about investing in the development of land and the provision of new homes. The Government has also announced a grant of \$5,000 for buyers of established homes. That will ensure a sound housing market and a strong bottom line for those who are prepared to invest in housing, which will in turn strengthen our whole economy. The housing industry is incredibly important to the performance of the economy generally and to providing jobs across the community. Ordinary people in many walks of life depend on the housing industry being buoyant, energetic and strong. That is exactly what these measures in the State budget will achieve for the people of New South Wales in the coming year.

I also welcome the creation of Urbangrowth NSW, a coordinating body that will take a lead role in ensuring that economic roadblocks are addressed and that planning takes into account infrastructure project time frames to make sure that we avoid the current situation—that is, land is rezoned in theory and put in the public domain on the basis that it is ready for development but in reality it is impossible to service and therefore to develop. The measures taken so far by the Government are to be commended. I understand that further measures will be implemented in other areas that will ensure the housing sector prospers in New South Wales, and as a result the State will prosper.

**Private members' statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 7.55 p.m. until  
Thursday 14 June 2012 at 10.00 a.m.**

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