

LEGISLATIVE ASSEMBLY

Tuesday 23 October 2012

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 12 noon.

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

HUNTER RIVER COMMUNITY SCHOOL

Ms ROBYN PARKER (Maitland—Minister for the Environment, and Minister for Heritage) [12.04 p.m.]: I am delighted to inform the House about a recent win for the Hunter River Community School in Maitland. Hunter River is one of 16 schools for special purposes across the State which will finally have new purpose-built facilities as part of the agreement between the New South Wales and Commonwealth governments to reallocate funding from the Building the Education Revolution Program. There is no question that this is a long-overdue upgrade for a school that the former Government moved into inadequate facilities with a promise 11 years ago that it would get a new school. The school left its permanent home in South Street, Telarah, and spent the intervening period in demountable classrooms, waiting patiently. Principal Ian Hughes stated that the school was very excited because the new facilities have been a very long time coming, which was no understatement.

Since my election as the member for Maitland I have actively lobbied the New South Wales Government on behalf of the school and the parents and citizens association to get the much-needed improvements underway. I have built a strong relationship with the school, which has allowed me to understand the challenges it has endured with the current demountable classrooms. The meeting I had with the parents and citizens association in June this year reinforced to me that this overhaul must happen now, and I have been lobbying the Minister for Education, Adrian Piccoli, in that regard. This Building the Education Revolution funded project will construct 10 classrooms, a multipurpose space, a hydrotherapy pool building and improved administration facilities. I thank the Department of Education and Communities Hunter Central Coast Asset Management Unit, which has worked very hard with the school community and me to deliver these results.

Just five weeks after the Building the Education Revolution funding was announced the department lodged a development application with council for the new Hunter River Community School. The development application is for a stand-alone school to be built on part of the Metford Public School site, another significant aspect to the development of the new Hunter River Community School. Sharing the same site will allow students of both schools to interact through certain activities, no doubt enriching the education and life experience of students on both sides. I cannot thank Metford Public School community enough for its support of this plan to co-locate Hunter River Community School on its campus. It was a win-win, with the two parents and citizens associations working together.

I am pleased to announce that tenders were called last week, and we anticipate that the 50 Hunter River pupils will be in their new classrooms on day one of term one of the 2014 school year. The President of Hunter River's parents and citizens association, Regina Murdoch, told the media at the announcement of the development application lodgement, "We feel like we have won the lottery." Last week I was surprised that the shadow Minister for the Hunter called for funding for the school and asked when the school was going to be replaced. She is a lot behind the times and out of touch with what is going on in the Hunter, let alone in the Maitland electorate.

On 13 October I had the pleasure of attending Hunter River School celebrations to officially open the Teen Time premises for the program run by Lower Hunter Temporary Care Incorporated, which is a non-profit community-based organisation that provides support services to people with a disability and their families. It operates an after school and vacation care service right across the area and also provides a program in the Hunter River Community School. It fulfils a high community need because mainstream services generally provide care to those aged five to 12 years. Students with a disability benefit from having the opportunity to participate in positive and meaningful activities to suit their individual interests and needs. I had a fantastic day and was shown how Lower Hunter Temporary Care is enhancing and sustaining the quality of life of people with a disability, their carers and family.

It was a fun day and I look forward to participating in future with Teen Time, and to working with it in the development of the new Hunter River Community School. On behalf of the Maitland electorate, and I am sure this House, I thank the school and Teen Time for their efforts to assist children with special needs and extend best wishes for a prosperous future. I also add how proud I am that the Liberal-Nationals Government is delivering the much-needed upgrade for the school for which they waited so long. Working in conjunction with the Federal Government, the New South Wales Government is able to deliver a fantastic outcome both for Hunter River School and Metford School—a stand-alone site. The school will be built and will be able to transition students whilst they stay in their current environment. It really is a fantastic result.

BALI TERRORIST ATTACK TENTH ANNIVERSARY

Ms CARMEL TEBBUTT (Marrickville) [12.09 p.m.]: On 12 October I, like many members, attended a memorial service for the victims of the first Bali bombings, which was a terrible atrocity and the worst terrorist attack our country has ever known. This year marks the tenth anniversary of the bombings. More than 1,000 Australians marked the sad but significant day by going to Bali. Others attended services such as the one I attended at Petersham Town Hall. Two hundred and two people died in the terrorist attack at the Sari nightclub, and 88 were from Australia. More than 200 people were injured. Many more people were affected as family and friends who lost their loved ones in the dreadful attack had to come to terms with their grief. The Marrickville area was directly affected by the loss of four local women in Bali. The Borgia family from Tempe lost their mother, Debbie, and daughter Abbey. The Webster family from Marrickville lost their mother, Robyn, while daughter Kristie survived with injuries. The Zervos family from Marrickville lost their daughter Louiza. Many other members of the local community were also directly and indirectly affected by the tragedy and Marrickville Council established a memorial garden at Petersham Town Hall to commemorate the victims.

It was at this garden that we gathered on 12 October to lay wreaths. Guests included Mayor Victor Macri, Deputy Mayor Emanuel Tsardoulis, Councillor Chris Woods, General Manager Ken Gainger, representatives of local churches, including Father John Pearce, and family and friends of the Borgia, Webster and Zervos families. It was a moving ceremony. Mayor Macri gave an eloquent speech, and there were tears but also some laughter as Debbie, Abbey, Louiza and Robyn were remembered. I spent time with the family members after the service, including John Borgia, who had just come from the memorial service at Dolphin Point at Coogee. I also spoke with Irini, Aphrodite and Eleni, women in their seventies who were aunts of Louiza Zervos. The women shared with me stories of Louiza and their sadness at her passing.

The four women who lost their lives in such a tragic way have been remembered by having something significant named after them. Debbie and Abbey Borgia were actively involved in basketball and the Debbie and Abbey Borgia Community Recreation Centre at South Marrickville was named in their honour. The centre is now a hive of activity and it is heavily utilised by young people across many sports. Louiza Zervos was always willing to give her time to young children, so her family and friends established the Louiza Zervos Memorial Scholarship at the University of New South Wales to encourage medical students to pursue the study of paediatrics. Robyn Webster played and was involved in the administration of netball and other sports. The Robyn Webster Sports Centre at Tempe was named in honour of her work. One of the netballing representatives at the service told me that Robyn's daughter Kristie is now engaged to be married.

The date of 12 October is a sad day for many people. While there have been many terrible acts of terrorism in the world, for Australians the Bali bombings have particular significance because they took place so close to home and were targeted at Australians. Australians have long had a special relationship with the beautiful island of Bali and for many young Australians visiting it is almost a rite of passage. The Bali bombings changed forever the way many Australians think of Bali. It is still a beautiful holiday destination with its alluring mix of hedonism and spiritualism but it lost its innocence on the day of the bombings. In a remarkable

medical rescue effort in the aftermath of the bombings, Indonesians, Australians and other tourists worked side by side to tend to the sick and identify those who had died. The stories are horrific but among them are stories of heroism and of ordinary people doing extraordinary things.

Linda Hogg, who was holidaying in Bali at the time, recounts her story of being at the morgue. She said, "I was trying to find something a relative would recognise. It was horrific. There were so many young ones." Amongst that horror she kept her senses and tried to find what the family members of those who had lost their lives would look for. Others such as Matthew and Natasha Dobson, who lost their father, visit Bali regularly, where they say they can feel his spirit. The relationship of Australia and Indonesia has remained strong as both countries used the aftermath of the Bali bombings to strengthen their fight against terrorism and cooperate in counterterrorism measures. As the Prime Minister Julia Gillard said in her address in Bali at the memorial service, the terrorists did not achieve what they set out to do. They did not undermine Indonesian democracy, which has only grown stronger, and we have not surrendered the freedoms that brought us to Bali in the first place. I again express my heartfelt sympathy to the Borgia, Webster and Zervos families from the Marrickville area and to all the other families who lost loved ones in the Bali bombings.

WANTHELLA COUNTRY WOMEN'S ASSOCIATION FORTY-EIGHTH ANNUAL CONFERENCE

Mr KEVIN ANDERSON (Tamworth) [12.14 p.m.]: On Monday 22 October, at the invitation of President Anne Maher, I had the pleasure of attending the Country Women's Association of New South Wales forty-eighth annual conference of the Wanthella group, held at the Moonbi Memorial Hall. The branches in attendance included Bendemeer, Kootingal, Niangala, Nundle, Somerton, Tamworth, Uralla, Walcha, Woolomin and Yarrowitch-Tia and other visiting groups. The Country Women's Association has been and will continue to be a vital lobby voice for country women and people in general. For many years its members have remained true to their motto, which reads:

Honour to God.
Loyalty to the Throne
Service to the Country
Through Country Women
For Country Women
By Country Women

Mr Martin O'Rourke, the senior natural resources officer at the Office of Water, was the special guest speaker at the event. Given that the women represent a broad cross-section of issues relating to country women—including international, agricultural and environmental issues and culture, handicrafts, land cookery and publicity—it was only fitting that they be provided with an update on water and particularly groundwater given the current environment. During his presentation, Mr Martin O'Rourke addressed the meeting on issues which included aquifers in relation to groundwater, porosity and permeability, losing streams, disconnected streams and so on. I had the opportunity to update the meeting on the Strategic Regional Land Use Policy, which everybody took great interest in. I updated them on what the Government is doing to protect prime agricultural land across our great State.

Those measures include the introduction of the aquifer interference policy and getting the balance right through environmental impact statements and agricultural impact statements, and ensuring that the agricultural industry that members of the Country Women's Association fight and lobby hard for it to be protected in perpetuity in areas where it needs to be. The Strategic Regional Land Use Policy seeks to get the balance right between meeting the energy demands of our State—and there is no doubt we are heavy energy consumers—and protecting prime agricultural land. On that issue water is king and the presentation from Martin O'Rourke highlighted the fact that we need to protect it. We do that by getting the science right.

Whether it is through mining or coal seam gas exploration and ultimate production, we need to ensure that the policies this State puts in place now set us on the correct path to getting the balance right. The Country Women's Association takes a strong interest in many agricultural issues. Not so long ago we saw it join for the first time with other organisations at a rally in Macquarie Street to add its voice to growing concerns about protecting prime agricultural land. I stood with its members in Macquarie Street to let them know that it is my job to ensure that I work with them and other organisations to get the balance right. The two resolutions to come out of yesterday's meeting were:

That C.W.A. of N.S.W. approach the Minister for Agriculture and Health as a matter of urgency to make it mandatory for the users of Quad Bikes to wear helmets.

We request the executive of C.W.A. of N.S.W. that regulation—Group Councils 57(c) and 58(c) be altered to include substitute Councillors that have substituted for at least two meetings in that year.

I reiterate my full support for the Country Women's Association, in particular the Wanthella branch of the Country Women's Association, and thank the association for its continued support of regional New South Wales. I also thank President Anne Maher for the invitation to attend yesterday's meeting. It was a great pleasure to attend the meeting and to partake in not only the best tea and scones in the land but also the hospitality that went with it.

HEATHCOTE ELECTORATE EVENTS

Mr LEE EVANS (Heathcote) [12.19 p.m.]: Today I will inform the House about two events that I recently attended in my electorate. On Sunday 14 October I had the honour of attending the second Sutho Cops and Rodders Road Safety and Car Show at Engadine—the brainchild of Senior Constable David Hayes from Sutherland Local Area Command. The event was officially opened by the Hon. Duncan Gay, the Minister for Roads and Ports. Also in attendance were Mr Craig Kelly, Federal member for Hughes, Ms Melanie Gibbons, the member for Menai, Deputy Commissioner of Police John Hartley and Mrs Hartley, and Superintendent Julian Griffiths. The object of the event was to bring the public and car enthusiasts together and to reinforce the strong message that road trauma affects everyone. The trauma unit of St George Hospital benefited from the funds raised on the day.

Road trauma affects everyone and society pays the cost, not only fiscally but in terms of the lives lost and/or destroyed by one moment of lost concentration or bravado. Indeed, but one moment of stupidity can and will affect the rest of one's life. For example, is an SMS so important that it is worth one never walking again? Is showing off to one's mates in a hotted-up car, spinning off into a crowd of onlookers, impacting, maiming and possibly killing your mates and/or their girlfriends worth it? Racing with a mate along a straight piece of road may seem like fun until you or your mate ends up in hospital, or worse. Sadly, we are losing far too many young Australians to road trauma. Senior Constable David Hayes spent an inordinate amount of time organising this event. I thank him for his forethought and passion.

This year more than 468 car enthusiasts, including those involved with hot rods, car clubs and muscle cars—entries were up from 186 cars last year—joined police, ambulance and emergency service officers and representatives from our armed forces. Sponsorship made the event cost neutral and, in view of crowd numbers and response, I hope the event will continue into the future. On 11 October 2012 I joined Mr Victor Dominello, Minister for Citizenship and Communities, and Minister for Aboriginal Affairs, at the unveiling of a plaque at the first Indigenous burial grounds in the southern region. The site, which is located at Woronora cemetery, was chosen because of the area's rich Indigenous history. It has been named Kymea Ngura, or Gymea Lily. I will now attempt to quote in Dharawal the inscription that appears on the plaque:

Mu La mareiin Kymea buruwanniya mudang yura ngurra Nygoon-mari ngurang.

This place is called the sacred place of the Gymea Lily we lend this place to you while we sleep.

This place of peace overlooks the Woronora valley, where the Dharawal people have lived for generations. This is a significant site as the final resting place for those Indigenous brothers and sisters who seek to become one with the earth again. It has been designed as a huge sandstone serpent wrapping around a wall. Over time a wetland will be created. Native bush food plants and trees are being grown within this wetland environment. Mr Les Bursill, Dharawal elder, has worked tirelessly to bring this dream to reality. The concept is for the bereaved to be able to scatter the ashes of their loved ones in their final resting place in an environment where their ancestors eternally rest. I thank all involved in the ceremony of the unveiling of the plaque. In particular I thank Mr Graham Boyd, Chief Executive Officer of Woronora General Cemetery and Crematorium, and Mr John Morrison, OAM, Trust Administrator, Southern Metropolitan Cemeteries Trust, for their foresight and support.

GREENACRE AREA COMMUNITY FESTIVAL

Ms TANIA MIHAILUK (Bankstown) [12.24 p.m.]: With much pleasure on Sunday 21 October I attended the inaugural Greenacre Area Community Festival, held at Roberts Park, Greenacre. The theme was the celebration of diversity. Local residents and families from Greenacre and throughout the Bankstown area were invited. Ms Barbara Perry, the member for Auburn, the Hon. Tony Burke, MP, and Councillor Dan Nguyen of Bankstown City Council were also in attendance. The cuisine of different cultural groups in the Bankstown community was showcased. The activities and rides provided for young children included jumping castles and face painting. The Bankstown area has a thriving arts scene and many different Greenacre

community groups took part in performances, including Malay Wedding Drummers, Hua Xing Seniors group, Greenacre Baptist Church, Phly Crew, hip hop duo, and representatives of the Bankstown Talent Advancement Program.

The Greenacre Area Community Centre, formerly known as the Greenacre Neighbourhood Centre, organised the festival in consultation with the local community. This great organisation provides services for residents in my electorate and throughout the greater Bankstown area. A working group of five local residents was established and in six months every aspect of the festival was organised. I note that the Melkite Welfare Association also helped to staff the working group and provided resources to help make the festival a success. The festival was funded by a Family and Community Services grant and a budget allocation of the Greenacre Area Community Centre. Storage King, Strathfield South also donated funds for the event. Local businesses that donated prizes for the raffle included Mancini's Italian Restaurant, Belfield, New Harmony Chinese Restaurant, Kingsgrove Bird Palace, Pizza Hut, Chullora, Khodary's Pharmacy and Mount Lewis Bowling Club.

I place on record my thanks to executive officer Maria Votano and chairperson Rachel Field of the Greenacre Area Community Centre, who are both tireless workers and advocates for the Greenacre community. Liesl Homes, Community Development Worker, Greenacre Area Community Centre, was a driving force behind the festival. The Greenacre Area Community Centre also runs a number of projects which cater for Greenacre residents as well as residents from the surrounding suburbs of Bankstown, Chullora, Punchbowl and Mount Lewis. Services include skills workshops for young adults and older residents, as well as social outings such as trips for kids on school holidays.

One of the major programs presently being run at the centre is the Greenacre Community Connect project. The aim of that project is to increase interaction and promote harmony in the Bankstown community. The next stage of the project will be launched next month, and welcome kits will be used to inform new residents about the area. This great initiative will assist new migrants as well as those moving to Greenacre from other Sydney suburbs. I was happy to support the welcome kit project by having a message included in it from me as the member for Bankstown.

The Greenacre Area Community Festival was a fitting celebration of the diversity of Greenacre and an opportunity to mix with the people who make Bankstown such a great place to live. My family and I had a lovely time at the festival, as did the hundreds, if not thousands, of others in attendance. It is hoped that this will be the first of many festivals to come. I congratulate the Greenacre Area Community Centre for holding such a wonderful festival and for the great work the centre does in my community. I commend the Greenacre Area Community Centre for its invaluable service in supporting the Bankstown community.

TRIBUTE TO PHILLIP SILVER

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [12.28 p.m.]: The local government elections are now over and new councillors will be celebrating their success. As the local member for Ballina and the Minister for Local Government I congratulate all councillors who were elected. But missing from the first meeting held at the Ballina Shire Council following the election was former Mayor Phillip Silver. He retired at the last election. Phillip Silver, or Phil to most people, was on the Ballina Shire Council for 19 years and in that time he and I regularly crossed paths at hundreds of community events. He held the position of mayor for 10 years and eight years ago became Ballina's first popularly elected mayor. Phil and I got to know each other very well. He was committed to doing his best to make the Ballina shire an outstanding place in which to live. I know he is extremely proud of the area's growth and council achievements.

Phil Silver was first elected to Ballina council in 1993. I am sure he and his wife, Virginia, and their two children, Tom and Liz, were not aware at that time of the profound impact it would have on their lives. Being a councillor is time consuming, but the role of mayor brings with it an added level of responsibility. Phil took on that role with enthusiasm. He was always a proud ambassador of the Ballina shire. It is possible he does not realise how much of a role model he has been for many people in our community, particularly those with a physical disability. He became a paraplegic at the age of 18 as a result of a motor vehicle accident. Despite the difficulties in his path, Phil just got on with it. In 1970 he represented Australia at the Edinburgh Commonwealth Games and won three silver medals in swimming. Many years later, that experience stood him in good stead when the Alstonville Swimming Club was looking for a new president.

Phil is a certified practising accountant and formerly held senior roles in the New South Wales Treasury and Citibank Australia. One could say he was a pioneer of the tree change movement. In 1987 he gave

away office work and he moved with his family from Sydney to Alstonville to become a farmer. His son, Tom, now manages the family avocado farm, Laurel Park. Phil Silver's commitment to his community stood him in good stead when he ran for a seat on Ballina Shire Council. He was a member of the water committee that developed the Alstonville Groundwater Sharing Plan and was the founder and director of the Avocado Marketing Company. From 1976 to 1987 he was the director of the Paraplegic and Quadriplegic Association of New South Wales, ParaQuad. Phil remains a passionate advocate for people with disabilities. In 2010 Phil was appointed by the Federal Minister for Transport to the Minister's aviation access working group. This group provides advice to the Government on policy and legislation in relation to practical ways to improve air services for people with a disability. Phil is now the ParaQuad representative on this group.

Local government can be difficult at times. Phil never shied away from difficult issues. While councillors cannot make everyone happy all the time, I know that Phil always made considered decisions with the interest of the community at heart. I know that Phil will miss local government and I believe local government will miss Phil Silver. Aside from his duties as a mayor and councillor at Ballina, Phil also served as a councillor on Rous Water County Council for 17 years, including several years as chairman. He was a member of the New South Wales Country Mayors' Association for 10 years and chaired the organisation for two years. Most recently, Phil was the President of the Northern Rivers Regional Organisation of Councils, [NOROC], a position he held for two of the 10 years he was involved.

On behalf of the Ballina electorate, I wish Phil Silver all the best for his retirement. His passion and commitment and his hard work for the residents of the Ballina shire are very much appreciated. I also acknowledge and thank his wife, Virginia, who has always strongly supported Phil's activities in the community. Virginia has also made a significant contribution in her own right. I will miss seeing Phil and Virginia at the various community functions that are held throughout the region. I have no doubt that, given Phil's longstanding public service, he will continue to engage with the community. On behalf of the electorate of Ballina, I thank Phil Silver for his service to local government, the Ballina shire and the northern rivers region over the past 19 years. We all wish Phil Silver and Virginia the very best in their retirement.

SYDNEY MARKETS

Mr JOHN SIDOTI (Drummoyne) [12.33 p.m.]: As the member for Drummoyne, I often have the privilege of visiting the Sydney Markets to support one of the many community events that are hosted there each year. The markets are located on the western edge of my electorate. I grew up at the Sydney Markets. My parents had fruit and vegetable stalls there and I worked there most weekends when I was at school. Being involved in that community is certainly one of the best educational experiences a person can have. It teaches about life and generosity—and it certainly teaches a young person about getting out of bed early. When people think of the Sydney Markets they think of fruit and vegetables and fresh flowers, but there is a lot more to the Sydney Markets than that.

The markets support a number of charities including the Guide Dogs, the Prostate Cancer Foundation, Variety and the Victor Chang Cardiac Research Institute. Recently I attended the annual Mango Auction which is held each September to raise money for the Prostate Cancer Foundation of Australia and the Cancer Council of New South Wales. A box of mangoes sold for \$50,000 and the total raised on the day was more than \$70,000. It was a great event, with lots of celebrities taking part in a mango eating competition—which, I have to say, became very messy. The Cherry Auction will be held at the end of this month, also to raise money for those in need. Local businesses became involved by donating various items to be auctioned. This year Fraser Motorcycles donated a custom Harley-Davidson to the cause.

In 2010 the Sydney Markets Foundation was established to ensure the markets connected directly with people in the community who are in need. Its generosity is overwhelming, and that is why I want to draw it to the attention of the House today. Last year the Sydney Markets Foundation presented a bus to the Lowood community in Queensland. Lowood is a small town in the Somerset region at the southern end of the Brisbane Valley. During last year's devastating floods, the town was inundated. Farms, roads and bridges across the area were destroyed. Although much of the area has been repaired, there are still parts of the community that are in need. When Sydney Markets heard about the plight of this small community of Lowood, it wanted to do something to help. In May this year a specially modified bus was transported to the town—a gift from the markets to provide transport services to the Lowood community, particularly those with mobility issues.

The Federal Leader of the Opposition, Tony Abbott, attended the presentation and paid tribute to the markets community for not only its supply of fresh fruit and vegetables but also its generosity to those in need.

I take this opportunity to acknowledge the contribution of the Chairman of the Sydney Markets Foundation, Mr Billy Chalk, who this year celebrated 50 years of service to the markets. He first started working at the markets at the age of 13 when his parents had a stall there. His work with the foundation has been outstanding. I congratulate him for his drive, enthusiasm and initiative not only for the present but also for the future.

BALMAIN ELECTORATE COMMUNITY GROUPS

Mr JAMIE PARKER (Balmain) [12.38 p.m.]: I wish to speak about the great work of many local community organisations in my electorate. I have been privileged to work closely with a number of these organisations in my years as a mayor, a councillor and now as a local State member of Parliament. I am continually impressed and inspired by the experience, knowledge and skills of many community organisation workers who exhibit a resolute commitment to what they do—whether it is supporting the most vulnerable people in our community, protecting the environment or supporting our local neighbourhoods. We often take all they do for granted. I take this opportunity to congratulate all those individuals and organisations who undertake this work. I will take a few minutes to acknowledge some of the groups who make a very strong contribution to our community.

The Rozelle Neighbourhood Centre is an organisation that is about building strong, connected, vibrant and inclusive communities. The centre has a team of managers who operate programs in the community to support older people and those with disabilities. The centre also conducts community development activities with a focus on local issues, including social housing and programs to address domestic violence. The centre employs 32 staff and approximately 100 volunteers across a number of far-reaching programs and is helping a great range of people. The advocates of the centre often do this work quietly behind the scenes and they include approximately 28 support workers who take great pride in working with members of the community and their families.

Recently I opened the upgraded Rozelle Rascals Playground which resulted from a Community Building Partnership grant. I was delighted to see Barrie Styles from Neighbourhood Aid. He does a fantastic job and works with volunteers to assist isolated people in our community. I also acknowledge Lisa Smajlov, who is a community development coordinator; Sue Johnson, from Groups and Arts Access; and Holly, who is the manager of the centre. Together with the Community Carers Team, the Community Development Team, the Family Respite program and Weekend Respite, they are all doing a fantastic job in their community and make a fantastic contribution to society.

I wish to highlight the work of Pastor Julie Brackenreg of the Hope Street Glebe Estate Community Church. This organisation works to promote justice, compassion and hope in urban inner Sydney through programs, projects and activities that empower and meet the needs of people who are experiencing poverty, homelessness, addiction, long-term unemployment, loneliness, alienation and other forms of marginalisation. Hope Street works to bring greater independence and freedom to those whose lives are adversely affected by homelessness and provides practical and hands-on services, including advocacy and the pursuit of justice. Hope Street in Glebe is currently facing difficult financial challenges. I am confident that the resolute nature of the local pastor, a person who has great faith and fortitude, will see those financial challenges overcome and that Hope Street grows and prospers.

I take this opportunity to mention an important organisation, Balmain for Refugees, which is a committee of members of the Balmain Uniting Church and the wider community. This organisation has assisted asylum seekers in the community and in detention centres throughout Australia but, most importantly, has written letters of last resort to the Minister when requests have been made for ministerial intervention and to look at new evidence. Jenny Toisuta, Debby Nicholls, OAM, Frances Milne, AM, and Susan Meyer are notable for their efforts on behalf of Balmain for Refugees. In 2006 Balmain for Refugees was awarded the New South Wales Law and Justice Foundation Law and Justice Volunteer Award, and in 2012 Balmain for Refugees initiated the formation of the Offshore Asylum Seeker Project Partnership, which will receive the 2012 New South Wales Law and Justice Foundation Pro Bono Partnership Award for work with offshore asylum seekers across Australia.

Virginia Walker is chair of the Bridge for Asylum Seekers Foundation, which is a sister organisation to Balmain for Refugees and is incorporated under the Benevolent Fund of the New South Wales Synod of the Uniting Church in Australia. In 2006 Virginia received the Human Rights Community Individual Award for raising and providing funding to destitute asylum seekers with no other means of support. I recognise Reverend Nicole Fleming and Les MacDonald, Church Council Chairman, who, along with the congregation, strongly

support Balmain for Refugees. Finally, I will highlight something on a lighter note, that is, the Wentworth Park Games. The group that runs this event comprises many representatives of community groups surrounding Wentworth Park: the Glebe Society, Pyrmont Action, Ultimo Village Voice, and the Convene the Council of Ultimo and Pyrmont Association. This group has brought communities together around issues relating to Wentworth Park and Blackwattle Cove. The games were started to encourage people to rediscover the area. It is a great opportunity for people to run their dogs—not greyhounds—around the track.

I acknowledge the work of the trust and those involved in the greyhound racing sport. In particular, I highlight the fantastic work of John Brooks of Blackwattle Cove Coalition, which started the Wentworth Park Games; Elizabeth Elenius, convenor of Pyrmont Action; Ken Saunders, convenor of the Wentworth Park Games; Yimmi Seifert, Ultimo Village Voice; Lesley Lynch, Glebe Society; and Mary Mortimer, convenor of the council of Ultimo/Pyrmont Associations. All these people have made this community an enriched and fantastic place in which we all enjoy living. I highlight those people and organisations as a small insight into those who make such a fantastic contribution to our community. In my next private member's statement I look forward to highlighting the fantastic role of the Ellis Centre and Co.As.It, which are two other fantastic organisations in our community.

THE HILLS ANTISOCIAL BEHAVIOUR

Mr DAVID ELLIOTT (Baulkham Hills) [12.43 p.m.]: Former British Prime Minister Tony Blair said:

The art of leadership is saying no, not saying yes. It is very easy to say yes.

I report to the House a very disturbing incident that occurred in The Hills on Friday 19 October when I was returning home from a civic reception in my electorate. At approximately 8.30 p.m. near the corner of Wrights Road and Green Road in Castle Hill I observed a dozen young teenagers around the nearby bus shelter. As I drove closer to the bus shelter it was clear that many of the teenagers had either bottles or cans in their hands, and one young male was sitting in the bus shelter vandalising a wall. I immediately stopped my car and asked the teenagers their names and began to take photographs using my BlackBerry. It was at that point that I realised how badly we have failed our youth. Within seconds my car and I were surrounded by a large group of teenagers, many of them intoxicated to the point that they could barely stand up. I was also surprised, if not a little horrified, at the language coming from children who I could only assume were in their mid-teens.

Having introduced myself as the local member of Parliament, I continued to bear the brunt of some colourful language, with one youth becoming extremely agitated, requiring the intervention of a lesser intoxicated young lady—and I use that term loosely. Having served in the Army and lobbied for the hotel industry, I am certainly not a prude. I have been known to drop the occasional expletive and indeed enjoy the odd drink, but I cannot ever remember as a young teenager roaming the streets after dark, intoxicated, swearing at an MP and defacing public property. Having called for the police to attend the scene, and with a genuine concern for the young people of my electorate, I delayed my return home to make a closer observation of what our next generation would do.

I was appalled then to see dozens more young people walking around my community intoxicated, urinating in public and simply sitting in the gutters making a nuisance of themselves. Clearly we have failed our young people. We need to ask ourselves the following questions: Why were these young teenagers out on the streets after dark? Did their parents know where they were? What type of society have we become when a member of Parliament introduces himself to young people and is then verbally abused? How did these young people get access to so much alcohol? Why did they feel the need to deface public property, indeed their property?

The member for Castle Hill and I have previously sought tougher penalties for parents who, by neglect or otherwise, have allowed their children to access liquor. Together with penalties to make teenagers responsible for their own actions, I believe parents should also be placed in the frame if there is a clear breach of their duty of care to provide for the safe welfare of minors. This clearly is a policy we need to debate and implement. As the father of two young boys, I am beyond horrified at this next generation. I have never been an advocate of compulsory military service but if I ever needed a reason to change that view it would be because of the evening of Friday 19 October.

I know from discussions around my electorate that parents have said, "It's too hard to police my teenage child." What a cop-out. What a disgraceful abrogation of parental responsibilities. Tony Blair was right: It is too easy to say yes to our teenagers. That is why we must say no. When I think of what could have happened to those teenagers while they were intoxicated, unsupervised and in a violent mindset, I get a chill up my spine.

I joined the Bankstown Young Liberals as a 16-year-old teenager—probably the same age as many of the young people I saw on Green Road. I have spent 25 years since then preparing for my role as a legislator. In that time I went from Army barracks to boardrooms but I have never encountered such openly aggressive behaviour. Shocked and disturbed, the only thing I could do was call the police and go home to make sure my own sons felt the safety and love and, dare I say, discipline of their parents.

To the parents of those drunken teenagers I say: You are failures. To my neighbours who I know share my concerns, I invite them to photograph any and all of the future antisocial behaviour in The Hills shire and direct it to Castle Hill police. I now want not only to introduce tougher penalties for parents of intoxicated youth but also to humiliate them. It is the only way to protect our children and our society. Recently, a local resident of The Hills who has his own radio program was criticised for protecting his property from a drunken young vandal. I cannot go into any further detail on this matter as I understand it may be subject to further inquiries. However, I can say that I do not know whether I would have done anything different.

I ask members to note that on the very night I am referring to the licensees of the three major pubs and clubs in The Hills shire reported an incident-free trade. It is clear that our licensed premises are the safest places to drink. Parliament must draw a line in the sand in relation to the scourge of underage drinking. We must introduce penalties that enforce our contempt for alcohol abuse by making it illegal for young people to drink in all public places until they are 21 years old. Parents need to be warned: discipline your children or the State will do it for you.

MOORLAND HALL 100TH ANNIVERSARY

Mrs LESLIE WILLIAMS (Port Macquarie) [12.48 p.m.]: On Saturday my husband, Don, and I joined the Moorland community to celebrate the 100th birthday of Moorland Hall. This very special occasion for the Moorland community was marked with a weekend of celebrations, starting on Friday with a Tea 'n' Chatter afternoon tea which included presentations by students of Moorland Public School. On the day, the Moorland Community Association presented a series of pictorial panels illustrating the history of the hall, the adjoining reserve and life in Moorland over the past 100 years. The storyboards were prepared by Kevin Williams and will become a permanent collection adorning the walls of this historic building.

Saturday's events included the Centenary Gala Day and the official opening by the Deputy Mayor of Greater Taree City Council, Councillor Alan Tickle. Whilst the day was a very warm 39 degrees, there was no shortage of attractions as well as plenty of locals, both past and present, to soak up the festival atmosphere. The day's events included market stalls, vintage cars, pony rides, a jumping castle, soccer games, heritage tennis complete with wooden racquets, a sausage sizzle, and produce and cake competitions. On Saturday night the celebrated hall came alive with a 50/50 dance with entertainment provided by Barney Carle and Company B. The festivities concluded on Sunday with a thanksgiving combined church service.

The emcee for the official opening of the 100th celebrations was Trevor Clunes, who provided a colourful synopsis of the past century of this eminent building. Mr John Chick, President of the Recreation Reserve Trust and the Centenary Hall Organising Committee, acknowledged the hard work done by so many people in preparing for this special weekend, including volunteer groundsmen Barry Fisher and Rob Gavenlock who commit about 12 hours every week to ensuring that the reserve is maintained and groomed for events such as these. Michelle Crowe was also recognised for her assistance in organising various aspects of the celebrations, as well as tailoring numerous period costumes which were showcased over the weekend. As I said, Deputy Mayor Alan Tickle, representing Mayor Paul Hogan, also addressed the crowd and congratulated the hall trustees on their strong working partnership with Greater Taree City Council.

At the conclusion of the speeches the new Moorland Hall sign was unveiled and the 100th birthday cake was jointly cut by Dawn Ruprecht, who made and decorated the cake, and Kay Craig, who was a former trustee. Moorland Hall was built by John Stinson, who migrated to the area in the 1880s with his parents from County Fermanagh, Ireland. In 1912 Mr Stinson bought a half acre of land from the McDonald Estate and built the hall during that year. On completion, the hall was opened on 20 December 1912, with reportedly 200 people in attendance. The main floor of the hall was 25 feet by 12 feet and the hall was lighted by gas, which was installed by Messrs Fitzgerald and Jenkins of Coopernook. Music on the evening was provided by Misses McGovern and Weber on the piano and Messrs Curley, P. McGovern and Maddalena on the violins. According to historical information the hall was:

... beautifully decorated for the occasion with Christmas bush, ferns and burrawangs.

Obviously, it all combined for a tremendous social event for the local community, with the evening reportedly coming to a close at 4.00 a.m. to the tune of *Auld Lang Syne*. Some significant dates noted in past minutes of meetings of the hall committee include that on 26 July 1938 the hall was closed for extensions which were completed by Mr Unicombe and on 6 December of that year the Coopernook police advised the committee that an application for registration of the hall was required. On 5 March 1940 a motion was moved to have Stewarts River Road declared a main road and be tar sealed to alleviate the dust nuisance. On 31 June 1947 a motion was moved to build new brick toilets and on 22 June 1953, £120 was spent to have the hall electrified.

Most significantly though—and I must inquire whether this decision was upheld at the dance on Saturday night—on 11 May 1964 a motion was moved by S. Everingham that stomping be disallowed in the hall. The motion was seconded by Mr N. Smith and carried. I take this opportunity to acknowledge past trustees of the recreation reserve for their tireless efforts, which have seen the development of an excellent community facility that includes not only the hall but also the adjoining tennis courts and a soccer field and oval. Similarly, the community is indebted to current trustees for the work that they have done, with John Chick at the helm, secretary Linda MacMahon, treasurer Peter Thorp and members Di Newhouse, Terry Lambert and Cleone Potts. I again congratulate the community and all those involved and wish Moorland Hall a happy birthday.

24 HOUR FIGHT AGAINST CANCER MACARTHUR

Mr BRYAN DOYLE (Campbelltown) [12.53 p.m.]: It gives me great pleasure to inform the House of the wonderful activities of an organisation known as 24 Hour Fight Against Cancer Macarthur, which held its annual event last Saturday at the Campbelltown Athletics Track at Leumeah. Cancer is a scourge that affects every Australian family. I have been orphaned, having lost my parents 10 or 11 years ago. It is a disease that has bound together the people of Campbelltown, that great opal of the south-west, and has brought out the very best of our humanity in the fight to find a cure to end this scourge. If a cure is to be found, the people of Campbelltown will find it.

The 24 Hour Fight Against Cancer MacArthur was an initiative of a friend of mine, Independent councillor Fred Borg of Campbelltown City Council. This year a record number of 100 teams banded together to step out in hope at the Campbelltown Athletics Track at Leumeah, and for 24 hours team members continuously maintained a walk around the athletics track. Nearly 1,500 participants were involved, with a further 500 spectators who took advantage of the sunny spring day to raise nearly \$250,000 for cancer research. All that money goes back into the Macarthur to address cancer. Although this year it was a balmy day, in previous years it has poured rain and people have stayed. I have been there with wind gusts of up to 60 knots—and anyone involved in emergency management knows that is when trees start falling over—and still the walkers maintained their walk, although it was much easier with the wind at their backs.

This year's fundraising tally will increase the amount this band of worthy people has raised over the past eight years of fundraising to nearly \$2 million. Again this year we were graced by the presence of our Premier, Barry O'Farrell, who attended for the second time. On opening the 24 Hour Fight Against Cancer Macarthur, he presented a cheque for \$5,000 to support the cause. The Premier joined cancer patients Marie Ashton and six-year-old Lexie Nonenmacher in opening the 24 Hour Fight Against Cancer Macarthur, with nearly 200 cancer survivors and their carers taking part in the opening lap. Ms Ashton's touching story of her illness had many in the crowd in tears.

The tired but elated event chairman, Councillor Fred Borg, said that the 24 Hour Fight Against Cancer Macarthur charity walk was a great success this year. It should be noted that 10 different church groups fielded teams in this event, as well as 16 public and private schools, including my daughter's school, John Therry Catholic High School from Rosemeadow. Probably no other charity in the Macarthur region has been so well supported by so many people for such a length of time. Funds raised through this worthy cause will go to the Macarthur Cancer Therapy Centre, Campbelltown Hospital's Paediatric Ambulatory Care Service and oncology ward and Camden Hospital's palliative care unit and palliative day hospital.

Even though this event is a major event, a number of other events are conducted throughout the year. Numerous sponsors provide generous support, including: the *Macarthur Advertiser* in its Macarthur, Camden and Wollondilly versions; ANZ Bank; Aquafit; Bob Jane T-Marts; my friends from Campbelltown RSL; Campbelltown City Council; Campbelltown Mall, one of our shopping centres; Clinton's Toyota; Direct Uniforms; G. J. Gardner Homes; McDonald's Macarthur; Mr Rental Campbelltown; Reno Smash Repairs; Rotary from Campbelltown, Ingleburn, my club Macarthur Sunrise, and Picton; and the Sleeping Giant.

Perhaps nothing better epitomises the spirit, the community engagement and the love people have for their families and community than Campbelltown's devotion to the 24 Hour Fight Against Cancer Macarthur. It is a most worthy cause. I am so proud our Premier took time out of his schedule—he had an event in his own electorate that he chose to forgo—to come to Campbelltown and open the 24 Hour Fight Against Cancer Macarthur. On behalf of the people of Campbelltown, the member for Wollondilly and the member for Camden, I thank the Premier.

CAMP BREAKAWAY

Mr DARREN WEBBER (Wyang) [12.58 p.m.]: On Friday 14 September I was joined by the Minister for Ageing, and Minister for Disability Services, the Hon. Andrew Constance, to celebrate the thirtieth anniversary of Camp Breakaway in my electorate of Wyong. Over those 30 years Camp Breakaway has served the Central Coast community tremendously well, providing quality services for disabled people of all ages and backgrounds right across the nation. Camp Breakaway was first conceived in 1982, when members of the Rotary club of Wyong convened a respite camp for 30 young people with disabilities. Some years later this wonderful idea was extended to providing respite camps for people with disabilities on a permanent camp site specifically designed for that purpose.

This first camp was held on the present site at San Remo in my electorate of Wyong in 1989. I was very pleased and honoured to welcome Minister Constance, and to meet with the management, staff and volunteers of Camp Breakaway to celebrate this significant milestone. The camp marked the occasion by unveiling an honour board for those who have provided outstanding service over the past 30 years. Minister Constance was impressed, seeing firsthand the wonderful work done by Camp Breakaway for people with disabilities and their families. In his speech the Minister stated:

The 30th anniversary celebrations provide an opportunity to highlight the great work Camp Breakaway does in providing people with disability recreational opportunities, while ensuring their families and carers get a much needed break.

Camp Breakaway provides a wide range of camps for adults with a disability and children with high medical needs, sibling and carer camps, family camps, emergency respite, frail aged camps and, most recently, camps for children with autism. Camp Breakaway relies heavily on volunteers and currently has some 500 people registered to help. However, it is always looking for more people to assist in the running of its camps. Backed by this small army of volunteers and with funding from private trusts and foundations, corporate sponsorship, donations from the general public and government respite funding, Camp Breakaway shows us what can be achieved when we work together. I am very proud of the support provided to Camp Breakaway by the New South Wales Government.

The flexible respite program of Ageing, Disability and Home Care assists in funding respite places. During our visit Mr Adrian Lynch, who is confined to a wheelchair, spoke passionately about the significance of Camp Breakaway in his life, highlighting the importance of providing a place for people with disabilities to enjoy a week's holiday away from their normal activities and the constant struggles of day-to-day living. He made reference to many others who were in attendance that day who had been coming to the camp for more than 30 years and who truly appreciated the fact that such a place exists. This was a passionate speech from a man who has to work extremely hard to articulate his words and who used a laptop to assist in writing his speech. I would like to read Mr Lynch's speech into *Hansard*. He said:

The Honourable State member for Disability Mr Andrew Constance on behalf of Norma Smeaton co-ordinator of Camp Breakaway, staff, fellow campers and all volunteers we wish to extend to you a very warm welcome today, on the 30th anniversary of Camp Breakaway. Going back over the 30 years, the concept of building a camp for people with disabilities and giving them the possibility of a holiday and at the same time to give their parents and family a break from the constant care of their loved ones, sons and daughters, through the generous members of various Rotary clubs by providing funds to build the building that you now see around you today. To make it possible for people to have and enjoy a week's holiday away from their normal activities and constant struggle of day to day living. We are becoming aware that we need more facilities like Camp Breakaway in various other locations around the State of New South Wales, to provide the same opportunities for all people with disabilities to enjoy a holiday away that we all enjoy. There are many fellow campers here today that have been coming here over 30 years and really appreciate the fact that a place like this exists. I request on behalf of all disabilities that the Government seriously consider the concept of camps such as this by providing more funds so as to be able to enrich the life of people with disabilities such as that you see around you today. I thank you on behalf of my fellow campers, staff and volunteers.

Please always remember do not dis my ability.

Adrian Lynch.

Importantly, in that closing line he reminded us all, "Do not dis my ability." Over the past 30 years Camp Breakaway's mission has been to enhance the lives of people with disabilities, at the same time allowing relief for their families and carers. I commend Camp Breakaway's achievements to the House and wish it every success as it continues into the future. It is a privilege and an honour to have a facility like Camp Breakaway in the electorate of Wyong, and particularly the not so small army of 500 people who make it possible. I commend Camp Breakaway and all its volunteers to the House.

WESTERN SYDNEY PARKLANDS

Mr ANDREW ROHAN (Smithfield) [1.03 p.m.]: Today I will speak about one of the main attractions and jewels of my electorate of Smithfield—that is, the Western Sydney Parklands. The parklands cover 5,280 hectares of native bushland, stretching 27 kilometres from Quakers Hill in the north to Leppington in the south, and are equivalent in area to 25 times the size of Centennial Park. More than 50 per cent of the parklands fall within the boundaries of the electorate of Smithfield. The parklands are referred to by many as the "lungs of western Sydney"—and it is no wonder. The parklands are easily accessible via the M4 and M7, and by other local roads such as Elizabeth Drive and Cowpasture Road. The parklands are managed by the Western Sydney Parklands Trust as part of the New South Wales Government's vision for contemporary urban living in western Sydney while preserving our natural environment and heritage.

With copious amounts of land and many utilities and facilities, the parklands are indeed one of the best locations to host picnics or outdoor get-togethers. Utilised by many families and communities, the parklands are responsible for many joyous memories. The parklands also are used by schools and organisations—many from electorates outside Smithfield—for educational, physical and recreational activities. The parklands are home to many popular parks, picnic areas and attractions, including Calmsley Hill City Farm, Plough and Harrow, Pimelea, Lizard Log, the Dairy, Peckys, Walder, Moonrise Lookout and Sugarloaf Ridge. My family and I have visited most of those locations, and without doubt the parklands offer places of majestic beauty that are yet to be discovered by the public. The parklands also are home to some unique and special sporting venues, such as the Eastern Creek International Raceway, Western Sydney International Dragway and the Sydney International Equestrian Centre. The equestrian centre was utilised during the 2000 Sydney Olympic Games.

I will attempt to speak briefly about some of the attractions. At Calmsley Hill City Farm, situated in the suburb of Abbotsbury, one can experience bush and farm life within the city. The farm is a place where the entire family can have a great time, being entertained and enjoying a day out, interacting with animals and experiencing farm life. The picnic grounds at Pimelea and Sugarloaf Ridge really are rare treasures. They provide a range of passive and active recreational opportunities for families, such as the 27-kilometre walking and cycling track. Last month I had the honour to help the Minister for the Environment, and Minister for Heritage launch the Bringing Back the Bush project at Lizard Log. This project will allow 20,000 schoolchildren from 500 western Sydney schools to plant 100,000 trees in the parklands over five years. Many children in our region have never before planted a tree and this program gives them the opportunity to do just that.

The New South Wales Liberal Government is working hard to make sure that our young generation plays a role in contributing to the environment, and I commend the Minister for this initiative. Last month Premier Barry O'Farrell turned the first sod for construction of another adventure attraction, Wet 'n' Wild Sydney. That park is expected to open by December 2013. When completed, the water park will have 42 slides and other features, such as an 87-metre high double skycoaster ride, a 150-metre long surf pool and a 70-metre artificial beach with 10-foot waves for surfing and body boarding. The \$115 million water park will not only deliver a new world-class theme park for Sydney and New South Wales but also deliver a significant economic boost, including 300 construction jobs and 300 permanent jobs.

Finally, last Sunday I had the honour of accompanying the Premier and the Minister for the Environment, and Minister for Heritage at the opening of the most recent attraction, Tree Top Adventure Park, at Plough and Harrow East park. The adventure park is completely eco friendly, catering for children and adults who can venture through a well-designed network of suspension bridges, flying foxes, trapezes and stretching ropes. The park provides challenges for adventurers of varying levels of ability and fitness, with different levels of difficulty. This Government is determined to continue to invest in programs that will benefit our local communities while protecting and preserving our natural environment and providing employment opportunities in support of our State's economy. [*Time expired.*]

LONDONDERRY ELECTORATE ROAD INFRASTRUCTURE

Mr BART BASSETT (Londonderry) [1.08 p.m.]: Today I wish to correct the record about statements made last week by the Deputy Leader of the Opposition, the member for Canterbury, in relation to the Windsor Bridge replacement and speak about road infrastructure across my electorate of Londonderry. As usual, Labor and its mates The Greens have adopted a whatever-it-takes approach and will do anything to get votes, even at the expense of the essential replacement of a 130-year-old bridge. Statements made last week by the Deputy Leader of the Opposition about the weight limit are absolutely incorrect. This Government reduced the speed limit to 40 kilometres an hour because of the condition of the bridge. It did not increase the weight limit.

Labor has a two-hat approach to issues—BE and AE. Before the election—BE—Labor supported the replacement. In an article in the *Western Weekender*, Hawkesbury edition, of 18 July 2008 Hawkesbury councillor Bob Porter, who had been a champion of the replacement and has campaigned continually on the issue for many years, thanked the then Labor member for Riverstone, John Aquilina, for "treating the issue with the urgency it needed". Yeah, right—July 2008. The same article quoted independent Hawkesbury councillor Christine Paine as saying that the new bridge should be named the Bob Porter Bridge because of the great work he had done in lobbying for the bridge replacement. That is funny—populist Paine after the State election changed her view and that of her supporters, The Greens and Labor. This is the same bridge with the same issues and reasons for its replacement. But that was before the election. After the election, Labor and opportunistic Labor-Greens-Independent aligned people opposed the replacement that they supported before the election.

However, we are going through the proper process and next month the Government will release for public comments the environmental impact statement on the Windsor Bridge replacement program option one. It is vital that we invest money on upgrading roads. The Windsor Road upgrade was achieved and paid for not by those opposite as they claim but by levies on new housing estates in north-west Sydney. For many years Labor collected the levies but ignored that urgently needed upgrade until forced to act through community pressure. Labor also ignored other essential road upgrades in the southern part of my electorate, such as the Werrington arterial, which is urgently required as a connection to the M4 from the Dunheved Industrial Park in St Marys or through to Richmond Road and the M7. I and my colleagues Tanya Davies and Stuart Ayres have been working with the local business community, Penrith council, Roads and Maritime Services and the Minister for Roads and Ports to commence this urgently needed and long-overdue project, in consultation with the Federal Government.

We are also currently working with the planning Minister to identify yet another project that was left in the too-hard basket: link roads through the Marsden Park release area in the Riverstone electorate to improve road access and amenity for new and existing residents. Another project ignored for years concerns a piece of infrastructure that joins my electorate and that of my colleague the member for Riverstone: the causeway on Stony Creek Road, Marsden Park. This causeway was constructed when the area was mainly agricultural and it floods with the slightest drop of rain and blocks the road. Discussions between Blacktown and Penrith councils have established that it will cost around \$30 million to increase the bridge height. When we came to government I continued meeting both councils to determine how this infrastructure problem could be rectified through a partnership and not putting all the cost onto the councils. Only two weeks ago Blacktown council returned with a revised plan and confirmed that the project cost about \$30 million.

Currently the structural plan for the Marsden Park land release for the north-west growth centres identifies a proposed road linking Stony Creek Road to Richmond Road. I have requested further details. This issue was not raised before we came to government. Access could be provided around the causeway, thereby closing that road and preventing further potential fatalities. Last year a young man travelling from work at Richmond in my electorate to his home in another part of Sydney drove into the causeway, was washed away and drowned. His body was not found for more than a day. We need to resolve this problem. Unfortunately, it will cost a lot of money, but we are getting on with the job of rectifying infrastructure.

WINDSOR BRIDGE

Mr KEVIN CONOLLY (Riverstone) [1.13 p.m.]: Last week, to my amazement, the Labor Opposition in this place opposed providing a new bridge for the people of the Hawkesbury. In 2008 those opposite conceded that a new bridge was necessary. One person who will be extraordinarily alarmed by this situation is the Labor candidate for the Federal seat of Macquarie, Susan Templeman. Her fate will be sealed on this issue alone because the people of the Hawkesbury will not stand for this type of Labor opportunism and playing political games with essential infrastructure for the region.

Ms Noreen Hay: You are in government. Fix it.

Mr KEVIN CONOLLY: Indeed, we are doing exactly that. I welcome the interjection from the member for Wollongong. We are pushing ahead to fix this problem and work has been progressing in preparing the environmental impact statement, which will be exhibited next month. The appropriate Minister will make a decision subsequently. I welcome that interjection because we are getting on with doing exactly what the mob opposite did not do for years when they were in government. Option one as proposed for the new bridge offers a better heritage outcome than any realised since the 1930s. Putting a diagonal cutting across the historic Thompson Square precinct in the 1930s was a great mistake. Thompson Square is a square in name only and this proposal will reinstate its amenity to how it was in the earliest days of our colony. Obviously, the bridge will be safer and newer, with wider lanes, and will allow smooth travel for traffic. Most importantly in heritage terms, no buildings will be demolished. No road will traverse the middle of Thompson Square—contrary to the parroting of some at present. In fact, the alignment will be on the northern side of the square on the existing Bridge Street.

The proposal will not put an end to recreation opportunities such as picnicking in the park. In fact, such opportunities will be enhanced. The park area will be enlarged because Bridge Street and the cutting will amalgamate into one road, thus reducing the area of the square under bitumen and increasing the parkland. Also, traffic noise will be reduced because of the change in road gradient to the bridge—the proposed bridge is about four metres higher than the existing one. This means that heavy vehicles will not have to rely on compression brakes when travelling down a steep slope or accelerate heavily in low gear on the way up the other side. Noise reduction will enhance the Thompson Square amenity and improve the outcome for the town compared with the status quo. Raising the bridge by four metres will also improve flood immunity. The area will never be totally flood free because the district is flood prone, but raising Windsor Bridge by four metres means that it will be closed less frequently and for shorter duration. That is good for the town, good for businesses and good for people travelling to work, home and school and doing all the things they have to do.

In 2008 the Roads and Traffic Authority, under the previous Government, determined that the bridge was in poor condition. Far from that assessment changing, its poor condition has been confirmed and strengthened by subsequent studies posted and available on the Roads and Maritime Services website for more than a year for communities to see. As the member for Londonderry said, the allowable heavy vehicle weight for the bridge has not been increased since this Government came to power. Last week's claim by the member for Canterbury is simply false. It is a shame that Labor has to spread falsehoods to try to whip up a few votes for its demoralised outfit opposite. I conclude with the point I made last week, which bears repeating. A group in Hawkesbury says that a bypass can be built just as cheaply and achieve the same outcomes as option one. The proposed bypass would be 1.9 kilometres long—rather than 250 metres under option one—and pass over lower land, requiring more viaducts and bridges. In fact, it would require two bridges, over the river and Rickabys Creek. Therefore, it would cost approximately \$150 million to \$200 million. We are doing the right thing. We are getting on with the job and giving the people of Windsor a new bridge.

WINDSOR BRIDGE

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [1.18 p.m.]: I support my colleagues representing the neighbouring electorates of Riverstone and of Londonderry and also the Government, which is getting on with the job of building the infrastructure required for the people of New South Wales. I also support every resident in the Hawkesbury region by delivering that infrastructure, not just releasing a glossy brochure or an article for the front-page of the *Hawkesbury Gazette*, as happened four and five years ago. We are getting on with the important job of constructing and delivering infrastructure for the people. Today I am delighted to join my colleagues in confirming that the environmental impact statement, which is part of the statutory process, will be announced within the next 30 days. That is great news because it is a further step towards constructing Windsor Bridge for the people of the Hawkesbury.

I will go back in time just a little to ensure that we correct the record. This proposal was put forward by the former New South Wales Government. I was as sceptical that we would ever see it built as you were, Mr Acting-Speaker, because the Labor Government proposed many pieces of infrastructure such as railway lines and hospitals. Unfortunately, Windsor Bridge was one of the projects that did not see the light of day and was not constructed. However, we believed it was a very important piece of infrastructure for the Hawkesbury area as it links Windsor to the western side of the Hawkesbury for the many residents whom the member for Londonderry and I represent. Windsor Bridge provides those residents with flood-free access in all but some of the worst floods we have seen in the history of European settlement of this country.

I do not need to take members' minds back too far to remind them of the recent flood on the Hawkesbury, which was six or seven metres high. That flood closed the present Windsor Bridge. The proposed new bridge, which will be four metres higher, will not be closed by a similar flood. This is one of the reasons that the bridge is a vital piece of infrastructure for those residents. That is why today we are supporting the construction of this piece of infrastructure. It was only a proposal by the former Labor Government. The difference between the O'Farrell Government and the Labor Government is that we will deliver it. We will build the project; we will get it done because we are a service-delivery government.

Ms Noreen Hay: Tell us when you deliver it.

Mr RAY WILLIAMS: I appreciate the support of the member for Wollongong. She was as frustrated as we were in not seeing infrastructure delivered for the people of New South Wales.

Ms Noreen Hay: Point of order: The member for Hawkesbury has misled the House. I want it removed from the record that I am supporting him on anything.

ACTING-SPEAKER (Mr Lee Evans): Order! There is no point of order. The member for Wollongong will resume her seat.

Mr RAY WILLIAMS: The member for Canterbury raised this matter in the House last week and pointed out that Thompson Square, which is a very important historical part of Windsor, was originally developed and constructed in 1795. I appreciate the support of the member for Canterbury in reminding us of that significant fact. Thompson Square, through the implementation of option one for Windsor Bridge—which we all support and which the council supports—will be returned to its original state, as the member for Canterbury also advised last week. That is why it is an important project not only for public transport, safety and access across the Hawkesbury but also for the heritage values that will be retained. It will be as Governor Macquarie proclaimed it in 1812 during those wonderful 12 years that he was Governor. He was the father of Australia and he proclaimed that significant heritage area. We will build a bridge that will preserve that area and provide the infrastructure for all the people of the Hawkesbury. I commend this proposal to the House.

Private members' statements concluded.

[Acting-Speaker (Mr Lee Evans) left the chair at 1.23 p.m. The House resumed at 2.15 p.m.]

ASSENT TO BILLS

Assent to the following bills reported:

Coastal Protection Amendment Bill 2012
Human Tissue Legislation Amendment Bill 2012
Snowy Mountains Cloud Seeding Trial Amendment Bill 2012

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Mr BARRY O'FARRELL: The Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services, will take questions addressed to the Minister for Primary Industries, and Minister for Small Business, who will be absent today from question time.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.21 p.m.]

DISABILITY SERVICES

Mrs BARBARA PERRY: My question is directed to the Minister for Disability Services. How important is it that people with disabilities have every opportunity to participate in ongoing education and training?

Mr ANDREW CONSTANCE: I thank the member for her question and congratulate her on her first question to me as Minister since last year's election. However, it relates not to my portfolio but to the portfolio of the Minister for Education. The commitment of the Minister for Education to special needs education and to people with disabilities who are accessing vocational education is strong and determined. The commitment of the O'Farrell Government to students with disabilities was well evidenced by the saving measures of approximately \$85 million—identified through the maladministered Federal Labor Government's Building the Education Revolution [BER] Program—which were contributed towards the establishment of new schools throughout this State.

FEDERAL GOVERNMENT FUNDING

Mr TIM OWEN: I direct my question to the Premier. Will the Premier advise the House about the impact on the State of the latest Federal Government funding cuts?

Mr BARRY O'FARRELL: I thank the member for his question and his interest in how the national economy is being managed and what impact the mid-year economic and fiscal outlook will have on New South Wales. This issue should be a matter of concern to everyone. I say that particularly to members opposite because in recent times they have made no bones about their apparent concern with regard to the clawing back of money from the Health and Education budgets.

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

Mr BARRY O'FARRELL: I do not intend to refer to the member for Canterbury; rather, I will deal with the member for Toongabbie—old 41—because his is the most recent outburst on this topic. I have seen a flyer that suggests incredible anger about what this Government is doing to ensure that the State lives within its means and that it makes responsible decisions. The literature recently released in the member's electorate is very uncharacteristic. He is normally fairly blunt, direct and over the top; in fact, I long for those days. Four years ago he told the world what it is like being in love: "If you think you are in love, you are in love; if you think you are in traffic, you are in traffic." They were the days when the member for Toongabbie was direct—four years ago today when for a fleeting moment he was the Premier of this great State.

In contrast to that, we are now seeing the usual spin, lies and attempts to deceive electorates, even by the member for Toongabbie. I can only assume that the energy and fervour we have seen from members opposite in recent weeks—uncharacteristic for most of their 18 months in opposition—will continue in response to the Federal Government's budget measures announced yesterday. I can only assume that they will be apoplectic about the mid-year economic and fiscal outlook, which has led to savage cuts to the education and health sectors in New South Wales.

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

Mr BARRY O'FARRELL: The Federal Labor Government has revealed that the people of New South Wales will be \$568 million worse off in the health sector and \$362 million worse off in the education sector. The Federal Government is ripping \$930 million out of the health and education sectors of this State. What have we heard from members opposite? We have heard zero, zip, zilch; we have heard absolutely nothing. It could be described as a "big fat nothing", but I would not want to upset anyone. Their outrage about what this Government is doing to be responsible to the people of New South Wales has been proven simply to be confected. It is as sincere as the apology offered yesterday by a member of the upper House after she made an outrageous personal attack last week. Nothing was said by the member for Canterbury in response to that appalling attack. The female members of the Labor Party are prone to claiming their feminist virtues when it suits, but if it does not—that is, after that outrageous attack by the Hon. Amanda Fazio—

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

Ms Linda Burney: Point of order: At least we did not—

The SPEAKER: Order! There is no point of order. Members who take a point of order should at least articulate their point of order.

Ms Linda Burney: You are a hypocrite.

Mr BARRY O'FARRELL: That is a very good interjection because I want to talk about hypocrites and hypocrisy and the response of the Leader of the Opposition when this Government had to deliver savings in the education sector. Treasury analysis shows that the Federal Government will slash \$184 million from our State's non-government schools. That is, independent and Catholic schools will lose \$184 million. That is almost 70 per cent more than members opposite accused this Government of taking from those schools. They said what we were doing was outrageous. The Leader of the Opposition said that no school student in New South Wales should have to suffer because of Barry O'Farrell's budget cuts.

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

Mr BARRY O'FARRELL: Where are the flyers and breathless statements from the member for Toongabbie about what his Federal colleagues have done? The member for Marrickville said that the savings measures implemented by the State Government would be devastating. What has she said about the Federal Labor Government's savings measures? She has said absolutely nothing. The member for Macquarie Fields has had a great deal to say about the efficiency measures implemented by the Minister for Health. [*Extension of time granted.*]

The Minister for Health has moved \$2.2 billion to the health front line. That is not a cut, as alleged by the member for Macquarie Fields. Yesterday during a meeting with the Minister for Health, Brett Holmes of the New South Wales Nurses Association confirmed that that was not a budget cut; he acknowledged that that \$2.2 billion would be spent on the front line to enable 50,000 more emergency department presentations this year, 30,000 more than when those opposite were in government.

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

Mr BARRY O'FARRELL: That funding will provide for 2,000 more elective surgery procedures. What has the Federal Government done? It has cut the health budget and made changes to the private health insurance rebate. What will that do? As happened prior to the Howard Government's measures being implemented, it will result in fewer people taking out health insurance. How will that impact on the States? It will result in more people fronting up to public hospitals, and that will place more pressure on those hospitals. Have we heard a word from members opposite about that? Not on your nelly! The member for Canterbury is correct: they are hypocrites.

It is hypocrisy for members opposite to say that one set of savings measures is outrageous and to ignore the fact that if we do not live within our means we will have a worse day of reckoning. And when it comes to their Federal colleagues they do what they always do: make excuses for them and defend them. Whether it is a cut to funding for the Pacific Highway from the Federal Government or funding cuts in critical areas that those opposite claim separates the Liberal Party from the Labor Party—health and education—they have been exposed. They have been exposed for their confected anger, for their attempt to whip up debate when the public understand that we have to live within our means, and above all for their hypocrisy, which they demonstrate too often.

TAFE FUNDING

Mr JOHN ROBERTSON: My question is directed to the Minister for Education. In light of the answer given earlier by the Minister for Disability Services, will the Minister advise whether any staff employed to support students with disabilities, including students who are hearing or vision impaired, will be axed under the Minister's TAFE funding cuts?

Mr ADRIAN PICCOLI: I am pleased that the Leader of the Opposition has had the courage to ask me a question about education reforms. It has been an incredible 18 months to be part of a reforming government. We have reformed the vocational education and training system in New South Wales about which for 16 years the former Government did absolutely nothing. The reforms that I have announced today are unashamedly about improving vocational education and training choices and options for students.

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

Mr ADRIAN PICCOLI: The reforms will allow students to choose the provider of the training that they want in order to learn the skills that are needed to take the many jobs that are now fortunately available in New South Wales.

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

Mr ADRIAN PICCOLI: It is an extensive reform. Our Government provides information to people, something the previous Government did not do. I have in my hands five facts sheets that are available—and I know the member for Mount Druitt does not know this—on the internet. I say this for the information of members on the other side of the Chamber who know how to use a computer. When I heard the question asked earlier of the Minister for Disability Services I wondered whether we have hidden the fact that we continue to support students with disabilities. I am proud to say that the fact sheet entitled "Smart and Skilled overview" under the heading "Greater support for equity groups" states:

Some students need additional support to access training. Smart and Skilled will help improve participation for disadvantaged learners. Concessions and fee exemptions will continue for Aboriginal students, students with a disability and welfare recipients. Community service obligation payments to TAFE NSW and approved ACE providers will guarantee training to key equity groups. Approved training organisations will receive additional funding for training of disadvantaged learners. Foundation skills training through TAFE NSW will give students basic language, literacy, numeracy and computer skills.

The fact sheet for individuals states also:

Concessions and fee exemptions will be retained for Aboriginal students.

Mr John Robertson: Point of order: My point of order is under Standing Order 129, and relates to relevance. My question specifically asked whether staff employed will be axed. The fact sheets to which the Minister refers does not answer the question. He is going out of his way to avoid answering the actual question.

The SPEAKER: Order! The Minister is specifically answering the question. There is clearly no point of order. The Minister is being directly relevant to the question.

Mr ADRIAN PICCOLI: I am not sure whether the Leader of the Opposition is concerned more about the people who are employed in those positions, who do a great job, or about students with disabilities. Students with disabilities will receive the same support that they have always received through TAFE and also non-government providers. Two or three other fact sheets refer to that also. As in some instances these changes may be unpopular with some sectors—

Ms Carmel Tebbutt: Yes, they will be.

Mr ADRIAN PICCOLI: Yes, I went to Ultimo today and there were a group of protesters out there. We are fortunate to live in a democracy in which we can protest against decisions made by governments. What we are doing is called leadership. It is about making decisions that are right for New South Wales, and in this case right for students who want to access training so that they can get some of the great jobs that are on offer in New South Wales. I know some people will not be particularly happy but we have shown leadership.

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

Mr ADRIAN PICCOLI: That is in stark contrast with what is happening on the front bench of the Opposition. The Leader of the Opposition is giving a job to every man and his dog—and I apologise to the member for Keira for that. But that is not leadership; that is management. The Leader of the Opposition does not want to upset anybody so he gives everybody a job. The decisions made by this Government in education—whether they relate to Local Schools, Local Decisions or changes in the way that we have supported school students with disabilities, or even the way that we have achieved the savings measures that were needed because of the former Government's mismanagement—have upset some people. But that called leadership. We are making decisions for the right reasons, not for political reasons, not to enable us to stay in office, and not to support some interest group, and I am very proud of that.

VOCATIONAL EDUCATION AND TRAINING

Mr LEE EVANS: My question is addressed to the Minister for Education. How is the Government building the New South Wales skills base?

Mr ADRIAN PICCOLI: Today at the Ultimo Campus of the Sydney Institute I announced changes to vocational educational training in New South Wales. This ought not be a surprise to anybody—I heard someone talking about entitlement funding earlier—because this has been on our agenda since September when we announced the Smart and Skilled discussion paper as part of the Council of Australian Governments

arrangements that we considered an entitlement approach to funding vocational education and training. As I said, New South Wales needs a strong, stable, flexible and responsive vocational educational training sector that can meet the needs of industry, the community and students. This began with the release of our discussion paper in September 2011, for which we received more than 100 submissions and consulted with by more than 650 people. We have noted the reforms in Victoria and we are determined not to make the mistakes made by that State.

The key features of the New South Wales model are entitlement funding that will follow the student to the approved training organisation of their choice, and a skills list will be developed that sets out the courses that will be subsidised by the Government. That list will be based on extensive consultation with industry and detailed labour market research, as it should. Fees and subsidies for government subsidised courses will be set by the New South Wales Government. Students will no longer pay an annual fee but instead will pay a fee per qualification, as with universities. This is a much fairer system. Students will pay the same amount for their subsidised training place irrespective of with which provider they do their training. Students doing subsequent post-school qualifications will make a greater contribution as they have already benefitted from training. Our strong exemption and concession policy will continue, as I outlined in an earlier answer.

Smart and Skilled will ensure that people living in our regions will have access to quality training and choice of training provider. Approved training organisations will receive additional funding for training in regional areas, and, as a member for a regional electorate, I am very pleased about that. In addition, community service obligation payments to TAFE NSW and approved adult and community education providers will guarantee training in rural and remote areas of the State. In addition the skills list will be based on regional job prospects and industry need. Quality is a key factor in these reforms. For a non-government training organisation to be able to offer government-subsidised training it will need to be based in New South Wales and meet stringent quality and performance measures.

In order to avoid the mistakes made in Victoria we have built a number of measures into Smart and Skilled to address issues that may arise. We will impose very strict quality control measures to allow only the highest quality providers to deliver government-funded training. We will manage demand with a skills list that targets funding to qualifications with high vocational outcomes and strong industry support. We will not fund existing worker traineeships that have seen a significant growth and budget demand in Victoria, causing that State significant problems. We will manage the contestability of government funds in thin markets to ensure that remote communities and high-cost, low-demand disciplines have access to high-quality and reliable training services.

We will give funding certainty to TAFE NSW through an assured allocation of funding, and we will improve information provision to help students make an informed choice and to develop avenues for complaints. These are substantial reforms and changes. Other announcements have also been made with respect to governance changes within TAFE colleges. I am very proud of these changes. The Liberal Party and The Nationals believe in the power of individuals to make choices. We also believe in the power of markets and the positive changes that result from competition. The Government is empowering students to make a choice about whom they use as their training provider. All training providers—including TAFE colleges—will have to work very hard to attract students to their organisations, and that is precisely how it should be.

TAFE FUNDING

Ms CARMEL TEBBUTT: I direct my question to the Minister for Education. Will the Minister guarantee that TAFE colleges in regional and rural New South Wales will not be forced to reduce their services as a result of the changes announced today?

Mr ADRIAN PICCOLI: As I have said unashamedly, this is a reform about the very people to whom State governments deliver services. We often get caught up with which arms of government deliver services but it is the Government's responsibility to deliver services whether in education, health or community services—

Ms Carmel Tebbutt: So you are taking over community services—

Mr ADRIAN PICCOLI: The member wants me to guarantee things all the time—that is the basis of every question she asks. I appreciate the member's question but this is all about delivering services to those whom the Government is charged with deliver to. These reforms are designed to suit students or those who

partake in training, and by giving them a choice the Government is empowering them. The Government is saying to them, "You are entitled to training in these defined skills areas. You choose the provider who provides the best service for you." TAFE colleges have a very proud history: they do great work.

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

Mr ADRIAN PICCOLI: If the Leader of the Opposition had any interest he might have promoted the member for Cessnock to the frontbench, but perhaps the western Sydney faction got in the way. I will not be lectured by those opposite about regional New South Wales. TAFE colleges do a great job. All members in this place—even those on the other side of the Chamber—support the great work done by our TAFE colleges. I have no doubt that TAFE colleges will continue to attract the vast majority of students for training.

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

Mr ADRIAN PICCOLI: TAFE colleges have a great reputation and do a great job, but these reforms will drive service change. If a course is on the list then every provider must charge the same fee—providers will not be able to undercut each other to win business. Each provider—TAFE college or non-government provider—will receive the same government subsidy. They will not compete on price as they did in Victoria. Indeed, that was one of Victoria's greatest stuff-ups. There was a race to the bottom in Victoria. The Government has learnt from those mistakes and we will not repeat them. Providers will have to compete on service to attract students. I often use the example of a Certificate III course in hospitality in my electorate. Unless there is a minimum of 15 students the local TAFE college will not be able to provide that course, but if a non-government provider is prepared to run the course with five students then—

Mr John Robertson: Because there will be. They will all be rushing—

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

Mr ADRIAN PICCOLI: The Leader of the Opposition might not understand, but it means that students have to drive two hours backwards and forwards to Wagga Wagga to access that training. The Government is giving providers the opportunity to offer that service and get the business, which is precisely what should be done. That is in the best interests of those being trained, and I am unapologetic about it. TAFE colleges are great organisations. Only a couple of weeks ago the institute director for the Riverina was in my office talking about the great things TAFE does. I have no doubt at all that TAFE colleges will continue to win the vast majority of business, but a bit of competition never hurt anyone. This reform will be good for TAFE colleges.

RAIL SERVICES

Mr PAUL TOOLE: I address my question to the Minister for Transport. What improvements has the Government made to rail services this week?

Ms GLADYS BEREJIKLIAN: I thank the member for Bathurst for a great question and I congratulate him on his strong community advocacy. He has experienced firsthand how the additional services the Government has introduced this week will have a positive impact on local communities. Indeed, last Sunday I was thrilled to meet the member for Bathurst, local community members and the mayor of Bathurst when the first commuter service from Bathurst arrived at Central railway station—the first of a new daily return service introduced by this Government. Those opposite are not listening.

The SPEAKER: Order! Some members are not listening to the Minister's answer.

Ms GLADYS BEREJIKLIAN: They had 16 years to deliver this daily service. They pretended to care about rural and regional transport, yet they failed to deliver. The new service for Bathurst and the Blue Mountains is an extension of the work this Government has undertaken to provide better public transport options for people living outside Sydney. I again thank the Bathurst community for its strong and active involvement in this. Not only have they spoken to me as Minister but they also spoke to me when I was the shadow Minister. The Government has also introduced a number of other services, such as four daily bus services between Wellington, Dubbo and Narromine—a very important win for those communities and many on this side of the Chamber are grateful for those services. More seats on trains from the Central Coast, Newcastle and the South Coast have also been introduced this week.

The new rail timetable includes 10 new services per week on the Western Line, which is very important to those living in western Sydney; 14 new services per week between Bathurst and Central, which I have mentioned already; and 20 new services per week on the Eastern Suburbs and Illawarra lines, which the members for the electorates of Oatley and Kiama are enthusiastically nodding about. These additional rail services follow on from the 63 rail services introduced last year, including 15 peak-hour services for western Sydney and eight extra weekend services for Blue Mountains commuters, which the member for Blue Mountains is very excited about. The O'Farrell Government continues to deliver for the people of western Sydney. Since winning office the O'Farrell Government has introduced 30 new services on the Western Line. This is in stark contrast to what those opposite did in the past 16 years. Members should have learnt also by now how many daily rail services were axed when those opposite were in government: 416 daily rail services.

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

Ms GLADYS BEREJIKLIAN: They also slashed 1,500 weekly bus services and 233 weekly ferry services, which I will refer to at another time. Labor left behind a bloated bureaucracy and slashed services while putting up fares.

The SPEAKER: Order! The member for Mount Druitt and the member for Murray-Darling will cease conversing across the Chamber.

Ms GLADYS BEREJIKLIAN: The Government will continue to work hard to clean up the mess left behind by those opposite. On top of those additional train services, the Government has also introduced or restored 165 weekly ferry services and introduced hundreds of extra services. However, I have to confess that I may have misled the House last week when I said the Government had introduced more than 1,000 public transport services weekly; the correct number was about 2,000. Since the O'Farrell Government has been in office it has introduced more than 2,000 weekly public transport services.

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

Ms GLADYS BEREJIKLIAN: Labor slashed services and bloated the bureaucracy. The Government cares about defending it.

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

EDUCATION FUNDING

Ms SONIA HORNER: My question is addressed to the Minister for Education. Will the Minister guarantee that the Links to Learning grant program, which assists students at risk of leaving school early and those who have already left school, will not be scaled back as a result of the \$1.7 billion cuts to education?

Mr ADRIAN PICCOLI: Today I announced reforms relating to the higher skills needs area, where students will be able to access training, either as part of TAFE or with non-government providers. We also do a lot of work supporting students in schools, which is broadly supported by schools, principals, teachers and parents. There are no plans to change what we do in terms of vocational education and training and the support we give to schools across New South Wales.

STATE OF THE BEACHES REPORT

Mr DARREN WEBBER: My question is directed to the Minister for the Environment. What can New South Wales beachgoers look forward to this summer?

The SPEAKER: Order! The member for Fairfield will come to order. The member for Drummoyne will come to order. The member for Kiama will come to order. I call the member for Murray-Darling to order.

Ms ROBYN PARKER: It is a beautiful afternoon, and people could be forgiven for wanting to be at the beach. Members opposite are welcome to go to the beach. The member for Wyong has 17 beaches in his electorate. All of those beaches, including Frazer, The Entrance and Shelly, recently received the highest possible rating for water cleanliness. The Government is committed to ensuring that beaches in New South Wales are amongst the world's best and that they remain clean for the enjoyment of millions of local, interstate and international visitors each year. I am pleased to announce that as beachgoers head to their favourite swimming places this summer they can expect very clean beaches with excellent water quality.

This year's State of the Beaches report, which I launched at Maroubra Beach on Saturday 20 October, represents results from 260 swimming locations along the New South Wales coast, from Byron Bay in the north to Bega Valley in the south. I did not see the member for Maroubra there in his budgie-smugglers, but it was a very nice beach all the same. Despite extremely wet conditions and flooding events during the 2011-12 season, 97 per cent of the 149 ocean beaches along the New South Wales coast were graded as very good, which is the best rating, or good, meaning that they were suitable for swimming all or most of the time.

This is an outstanding result and confirms that New South Wales has some of the cleanest ocean beaches in the world. For example, 35 of the 37 ocean beaches in Sydney were graded as very good or good in a year when Sydney's coastal rainfall was 60 per cent higher than the average. This is a remarkable achievement. Two of Sydney's more challenged swimming areas, Malabar Beach and Narrabeen lagoon, were assessed as poor. However, Malabar improved from very poor to poor this year, and with work undertaken by Sydney Water and Randwick City Council to divert the drain offshore completed, I expect it to be graded as good next year.

The water quality at Narrabeen lagoon is generally good during dry weather conditions, but swimming should be avoided following rainfall or when the lagoon entrance is closed. We have had two consecutive remarkably wet years and that has impacted on some areas. There have been some water quality issues, particularly in estuaries and lakes, which tend to trap stormwater. On the Central Coast where there was flooding in the Hawkesbury and Brisbane Water, and discharges from coastal lagoons, there were impacts. The good news is that the water quality at these locations is expected to return to previous good levels this summer when rainfall patterns return to average.

In areas where water quality still needs to be improved, work is continuing with industry, local councils, the community and the Government's Health and Environment departments to make further improvements. These improvements include increasing the capacity and treatment standard of water treatment plants, upgrading sewerage pumping stations, sewerage areas currently served by septic tanks and installing stormwater quality improvement devices. With a warm and dry summer predicted, beachgoers in New South Wales can expect clean beaches and excellent water quality.

TAFE FUNDING

Mr CLAYTON BARR: My question is addressed to the Minister for Education.

The SPEAKER: Order! Government members will come to order so that I can hear the member's question. The member for Kiama will come to order.

Mr CLAYTON BARR: Given the Minister's statement today that he intends that TAFE will be the substantial provider of choice for vocational education, why has he cut face-to-face training hours for students in mechanical fitting and machining certificate III at Hunter TAFE?

Mr ADRIAN PICCOLI: Members opposite are unappreciative. This year we will invest a huge amount of money into the Hunter Institute of TAFE, with a plant and heavy vehicle training centre in the Hunter. That is the kind of investment we want to see across New South Wales. To be honest, I thought the member for Cessnock would congratulate the Minister—I should say the Government. Let me be gracious about this. I thought the member would congratulate the Government and the Treasurer on making such a great investment in TAFE NSW, particularly in the Hunter. Individual institutes constantly make decisions about the courses they offer.

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

Mr ADRIAN PICCOLI: For example, I presume that TAFE campuses offered courses in shoeing horses in the past, and that some campuses still offer a farriery course. But as things change we require fewer farriers. So perhaps every institute offered that course previously, but perhaps only a few offer it now. Courses come and courses go. It is the way of the world. Clearly, aviation was not a course offered 125 years ago when the Sydney Institute began. Local institutes make decisions for various reasons, including changes in demand, changes in technology and changes in terms of where students want to receive their training.

I acknowledge the work and investment by the mining companies in the Hunter in supporting the training of their staff, which is done in conjunction with TAFE NSW. Private sector involvement in training is

not new. Private training providers have been part of the training landscape for a long time. We are simply doing something a little differently. For sometime an equivalent entitlement system has been in place for traineeships and apprenticeships. This is a significant change, but it is not the first time it has been done. The answer to the question asked by the member for Cessnock is that individual institutes make decisions about the courses they offer—when, where and how.

Mr John Robertson: What do you do?

Mr ADRIAN PICCOLI: If the Leader of the Opposition expects me to micro-manage individual TAFE institutes, he will be sorely disappointed because I do not do that.

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

Mr ADRIAN PICCOLI: The Leader of the Opposition might have done that. The previous Government got into trouble for micro-managing for political purposes.

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

Mr ADRIAN PICCOLI: I will not do that. I notice that today a brochure has been distributed in the Toongabbie electorate about cutting funds to local schools. It states:

... cuts to school funding for textbooks, computers and classroom resources...

I am not sure where the member for Toongabbie gets his information, but it is clearly wrong. I suggest to the member for Toongabbie that he go onto the internet because all of the information about the budget measures is on the internet and there is no reference to text books or classroom resources. The only things affected behind the school gate are the 400 Public Service Association jobs that those opposite cut. We even saw in the paper a few weeks ago, and this was raised in budget estimates, that their original proposition—it may even have been while the member for Marrickville was the Minister—was that it was going to be more. How many more? The number that they put up originally was 1,600. I would not countenance that for a moment. Then they sold off 400 members of the Public Service Association. That is the deal that they did. In no way would I countenance their plan to sack 1,600 people across our schools—400, which is what they did, is bad enough. I would not countenance 1,600. All I can say is thank goodness those opposite are no longer in government.

STATE ELECTORAL REDISTRIBUTION

Mrs LESLIE WILLIAMS: My question is to the Premier. What is the New South Wales Government doing to ensure confidence in the electoral system?

Mr BARRY O'FARRELL: I thank the member for Port Macquarie for her question. I make the obvious point that providing an electoral system that maintains public support and confidence requires, amongst other things, regular revision of electoral boundaries to take account of population movements, and the social and economic changes caused by demographic alterations. Our robust democracy is strengthened by impartial, professional and independent governance and administration of that redistribution process. In New South Wales, by law, redistributions are conducted by three electoral district commissioners appointed by the Governor. The prescribed commissioners include a past or current Supreme Court judge, the New South Wales Electoral Commissioner and the Surveyor General. The 2015 general election must be conducted under new boundaries because of the Constitution's requirement that a redistribution must occur at least after every second election. The redistribution process is complex and it involves extensive community consultation, and today I can inform the House that the redistribution process is commencing.

I have advised the Governor to approve the nomination of the former President of the Court of Appeal and Supreme Court judge, the Hon. Keith Mason, AC, QC, as Chairperson of the Redistribution Commission. Mr Mason is a former New South Wales Solicitor General, a former chairman of the New South Wales Law Reform Commission, and currently a professorial visiting fellow to the Faculty of Law at the University of New South Wales. The redistribution is a legal process conducted in a transparent public environment. The process includes a requirement that the commissioners must obtain and consider the advice of a recognised demographer before determining the boundaries. They must also consider the community of interest within the electoral district, including economic, social and regional interests; the means of communication and travel within the electoral district; the physical features and area of the electoral district; mountains and other natural boundaries; and the boundaries of the existing electoral districts.

Section 28 of the New South Wales Constitution requires that boundaries must be determined so that there is an equal number of votes in each electorate at the time of the redistribution, subject to a margin of allowance not exceeding 10 per cent of the average enrolment across the State. The Parliamentary Electorates and Elections Act also provides that when carrying out a redistribution the electoral district commissioners must try to ensure that the number of electors per electorate will be equal as at the date of the next election within an additional 3 per cent margin of allowance. In the 2004 Redistribution Commission report, commissioners appointed by the Carr Government—Chairperson, the Hon. Jerrold Cripps, QC, who went on to become Chairman of the Independent Commission Against Corruption; the Electoral Commissioner; and the then Surveyor General—recommended that:

... the New South Wales projected quota tolerance be changed to a 10% margin of allowance above or below the average electoral District enrolment at the projected time

The commissioners argued that, when combined with the Constitution's requirement under section 28, the added 3 per cent allowance provision was—and again I quote the commissioners from 2004:

... too restrictive to take into account strong growth electorates, especially given the demographic trends, considerations of communities of interest, existing infrastructure, geographic and other spatial information. Given the continued population shift from regional New South Wales to the coast and centres of major population, there will be increasing pressures on future distributions to meet the criteria of Section 17A (1)(b) of the Parliamentary Electorates and Elections Act 1912.

To underscore the difficulty in meeting both allowances, one set out in the Constitution and the other in the Parliamentary Electorates and Elections Act, I instance the last redistribution. The boundaries were finalised in 2004. The election occurred in 2007. By the time the election occurred, 21 of the State's 93 electorates exceeded the 3 per cent allowance requirement in the second Act. In 1999, despite a redistribution having occurred the year before, 25 of the new electoral districts exceeded the 3 per cent margin by the time of the election. The Electoral Commissioner, Mr Colin Barry, has confirmed his continued support for the amendment recommended in 2004 and has proposed it be put to Parliament in time for the upcoming redistribution.

The New South Wales Government has agreed. In order to implement the Electoral Commissioner's recommendation to this Government, and acting on the 2004 recommendation of the independent redistribution commissioners, we will bring forward legislation this week to give effect to the recommendation to increase the projected margin of allowance to plus or minus 10 per cent. There will be no change to that provision of the Constitution that applies an allowance margin of 10 per cent. It is a change that reflects expert independent advice, it reflects the realities of what ABC psephologist Antony Green describes as the inexact science of predicting future enrolments and it deserves the support of this Parliament.

EDUCATION FUNDING

Ms TANIA MIHAILUK: My question is to the Minister for Education. Given that students with special needs and learning difficulties often benefit from enrolling in non-vocational entry level courses, why has the Minister put funding for these courses at risk?

Mr ADRIAN PICCOLI: Let me start by saying I do not accept the premise of the question that in some way the funding for these courses has been put at risk. As I said earlier, even the fact sheets make it very clear. The Minister for Disability Services made it clear. Let us set politics aside here. I think everybody in this Chamber is committed to supporting people and students with disabilities. Everybody wants to do everything they can to support students with disabilities. As I made very clear—and it has been made very clear in a number of the fact sheets that have been released—the concessions and other things we provide to support students with disabilities remain. The way that we fund disability and support students across our public schools in New South Wales is in terms of the Every Student, Every School reforms that we made, with additional funds going directly to schools so that schools can support students with disabilities.

I have had an enormous amount of feedback from people and schools saying what an improved process it is after they have heard how the system operates—not the scare campaign run by the Opposition, but the facts. We have updated the data from schools and we are allocating funds for students with disabilities on a needs basis—and yes, some schools do get fewer funds than they received previously, for a number of reasons, including the fact that their enrolments may have gone down, but the school across the road whose enrolments went up got increased funding. That is the way it should work. If I were to politicise it and say, "Every school will get money whether they need it or not", that means that other schools that do need the funding do not get it.

It has been a positive reform and I can say, as the parent of two small children, that the biggest reform and I think the most significant is that parents of students with a lower level disability do not have to get a diagnosis from a doctor to attract support for their school. We are introducing a functional assessment tool where schools can assess the disability or needs level of a student without their having to go to a doctor or paediatrician to get a diagnosis of autism or Asperger's, or whatever other difficulty that student may have. There may be medical reasons for doing it, but I do not accept that a system where a parent has to go to a doctor to get a diagnosis for a student—get a label for a student—to attract support is a good system.

We have got rid of that. Students with higher levels of disability still get direct funding to their school—of course they do. The other thing we have done, and which makes me very proud to be a member of this Government, is provide funds from Building the Education Revolution. Almost \$85 million was left over from Building the Education Revolution. Had the previous Government been in office, that money probably would have been spent on rainwater tanks at every school across New South Wales. I do not want to understate the importance of collecting run-off from roofs, but I am proud to be part of a government that is investing that money into 16 schools for specific purposes to support students with disabilities.

Those schools are on the North Shore and in places such as Tamworth, Albury, Miranda, Maitland and Lismore—and in Mulgoa at the wonderful Kurrambee Special School at Werrington, where I saw the looks on the faces of those children and their parents when they heard the school will have a multimillion-dollar rebuild. We heard about demountables that the previous Government did not replace. That school is full of them. The staff have done a great job of making the school work even with demountables. We are getting rid of the vast majority of them—I do not know whether it is all of them—and the school is moving across the road. We are doing what the Labor Government did not do. We have listened to the school community and done what they wanted. I cannot wait to see the outcome when that new school is built. What a shame we had only \$85 million and not \$3.6 billion that those opposite wasted. Comparing our credentials on supporting students with disabilities shows that we have done more in 16 months than those opposite did in 16 years.

Question time concluded at 3.11 p.m.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

OMBUDSMAN

Report

The Speaker, pursuant to section 31AA of the Ombudsman Act 1974, tabled the report of the NSW Ombudsman entitled "How are taser weapons used by the NSW Police Force?", dated October 2012.

Ordered to be printed.

STATE OWNED CORPORATIONS ACT

The Clerk, pursuant to section 27 of the State Owned Corporations Act 1989, announced receipt of the Statement of Corporate Intent of the Newcastle Port Corporation for the year ending 30 June 2013, received out of session and ordered to be printed on 22 October 2012.

COMMITTEE ON ECONOMIC DEVELOPMENT

Report

Mr David Elliott, as Chair, tabled the report of the Committee on Economic Development entitled "Establishment of Special Economic Zones", dated October 2012.

Ordered to be printed.

LEGISLATION REVIEW COMMITTEE**Report**

Mr Stephen Bromhead, as Chair, tabled the report of the Legislation Review Committee entitled, "Legislation Review Digest No. 27/55", dated 23 October 2012, together with minutes of the committee regarding Legislation Review Digest No. 26/55.

Report ordered to be printed.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Routine of Business**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.13 p.m.]: I move:

That standing and sessional orders be suspended:

- (1) At this sitting to provide:
 - (a) for the following routine of business after the conclusion of the motion accorded priority:
 - (i) government business;
 - (ii) at 7.00 p.m., matter of public importance;
 - (iii) government business; and
 - (iv) the House to adjourn without motion moved at 10.00 p.m., or the conclusion of government business, if concluded before 10.00 pm.
 - (b) that from 7.45 p.m. until the rising of the House, no divisions or quorums be called.
- (2) On Wednesday 24 October 2012 to provide for the following routine of business after the conclusion of the motion accorded priority:
 - (a) government business;
 - (b) at 6.30 p.m., Speaker leaves the chair;
 - (c) at 7.00 p.m., Speaker resumes the chair for the matter of public importance;
 - (d) government business; and
 - (e) the House to adjourn without motion moved at the conclusion of government business.
- (3) On Thursday 25 October 2012:
 - (a) to permit government business to take precedence of all other business prior to 1.00 p.m.
 - (b) to provide for the following routine of business after the conclusion of the discussions on the 10,000 signature petitions:
 - (i) government business;
 - (ii) at 10.00 p.m. the Speaker to leave the chair until the ringing of one long bell at 10.00 a.m. on Friday 26 October 2012, for the continuation of government business; and
 - (iii) the House to adjourn on motion.
- (4) To permit the passage through all stages, at this or any subsequent sitting, of the following bills:

Cancer Institute (NSW) Amendment Bill 2012;
Crimes (Administration of Sentences) Legislation Amendment (Interstate Transfers) Bill 2012;
Election Funding, Expenditure and Disclosures Further Amendment Bill 2012;
Independent Commission Against Corruption Amendment (Register of Disclosures by Members) Bill 2012;
Liquor Amendment (Kings Cross Plan of Management) Bill 2012;
Local Government Amendment (Conduct) Bill 2012;
Parliamentary Electorates and Elections Amendment (Redistribution) Bill 2012;
Petroleum (Onshore) Amendment (Royalties and Penalties) Bill 2012; and
Rail Safety (Adoption of National Law) Bill 2012.

As I indicated last week and as members will be very aware, the Legislative Council has for some years imposed a deadline for bills to pass through this Chamber in order for them to be dealt with in that House. The end of this week is the end of the opportunity for Government bills to move through to the Legislative Council. We were in this position last week and I tried to limit extended sittings. That worked fairly well. This week there are eight or nine bills to deal with and more on the way—I understand two or three will be coming through tomorrow. I propose that the House will sit this evening and there will be no dinner break, although members can obviously have dinner, and sitting will continue until 10.00 p.m. If members are not directly involved in the bills to be debated after 7.45 p.m. they will be able to follow their normal arrangements because there will be no divisions or quorums after that time. The House will continue debating the bills until 10.00 p.m., depending on the progress of the bills this afternoon and this evening.

Tomorrow is normally a Government business day and Government business will continue to be dealt with throughout the day. We will have a dinner break tomorrow night from 6.30 p.m. to 7.00 p.m. because it is going to be a long day. The House will continue until we have determined that we have passed enough of the legislation that would enable the remainder to be dealt with on Thursday, and possibly Friday. It may be that tomorrow night will be an extremely late night, possibly well beyond midnight. We will see how we go today and tomorrow. On Thursday there will be no private members' business; it will be superseded by Government business, assuming that Government business for the week has not concluded by then. The House will continue until 10.00 p.m., with no dinner break, and then adjourn on the ringing of one long bell until Friday. I am sorry to say that at this point it appears we will have to return on Friday to deal with Government business. I stress that the motion relates to the bills I referred to and I anticipate there will be another two or three tomorrow. Whether we sit as late as I have currently arranged will depend on how many speakers there are on each bill.

Some members have arranged for guests to be in the gallery to hear debate on two petitions this week. It was my intention to defer consideration of those two petitions, but since arrangements have been made to have guests attend the gallery it would be unreasonable to do that: the petitions will still be considered on Thursday afternoon at the usual time. The private members' motion on breast cancer will be debated today and private members' statements will proceed tomorrow. Otherwise, the preoccupation for the remaining sitting days of this week will be Government business. Some members have been looking forward to moving their private members' motions this Thursday. The Government will make arrangements so that in the first sitting week after this week and in the following week the motions can be moved. That will take place in lieu of Government business after we have got through this deadline that has been imposed upon us by the upper House. I thank all members for their understanding.

Mr MICHAEL DALEY (Maroubra) [3.18 p.m.]: The member for Wagga Wagga said as I was approaching the microphone, "Here comes the death of democracy speech." It is not the death of democracy but both this week and last week it has been the death of organised passage of business through this place in accordance with centuries-old practices for not only Government members but all members. How are we supposed to accept that this Government can run the State when it cannot run the business in the Legislative Assembly of New South Wales? The Government cannot organise itself sufficiently to put bills through this place with the courtesy of giving notice of those bills to members. No wonder Barry O'Farrell is getting a reputation in the community as someone who either does nothing or when he does pull the lever it is the wrong lever.

The Leader of the House gave himself up in his introductory remarks when he said that the Legislative Council has been imposing a deadline for business on this place for a number of years. The Government has had notice that by a certain date—that we have all had knowledge of for a number of years—a guillotine will be applied to business coming from this place to the other House. Six bills were mentioned last week and another nine were mentioned today. It is not just busy; it is disorganised in the extreme. As the Leader of the House said, at least two or three more bills will be introduced tomorrow.

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

Mr MICHAEL DALEY: So 17 or 18 bills are being rammed through this place without notice. If the bills were like the Library Amendment Bill we could understand the Government wanting to rush them through, and the Opposition would not mind having no notice of those bills. Last week a disgraceful bill to flog off Port Botany was debated. That port has been one of the rolled gold income-producing assets in the Government's portfolio for a century. Neither I, as the shadow Treasurer, nor the shadow Minister for Ports, the member for Heffron—nor any other member of this place—has had the opportunity to talk to any stakeholder. It is no wonder that there is at least a suspicion of conspiracy about the introduction of these bills. The Government does not want members on this side to talk to members of the community.

The Government does not want members on this side to talk to stakeholders because, over the weekend, and since the Ports Assets (Authorised Transactions) Bill was introduced, we have ascertained that

no-one in the whole logistics chain—from shipping companies down to customs brokers who represent consignees, or anyone in between—has been spoken to by any member of this place, any member of the Government, Treasury or the Treasurer's staff, for five or six months. That is the consultation, or lack of it, that is embodied in the introduction of these bills without notice today. Some of the bills that the Leader of the House is planning with his cohorts to ram through this place are the Election Funding, Expenditure and Disclosures Further Amendment Bill, the Independent Commission Against Corruption Amendment (Register of Disclosures by Members) Bill—which might just affect the interests of every member of this place for years to come—the Liquor Amendment (Kings Cross Plan of Management) Bill, the Local Government Amendment (Conduct) Bill, which will have an implication—

The SPEAKER: The member for Hawkesbury and the member for Kiama will come to order.

Mr MICHAEL DALEY: —for the exercise of democracy at the local government level, the Parliamentary Electorates and Elections Amendment (Redistribution) Bill, and the Petroleum (Onshore) Amendment (Royalties and Penalties) Bill—I wonder what is in that legislation. We will not know until the bill is brought into this House. We might again see this week the debacle that we saw last week when some Ministers were refusing, until the debate began, to release copies of the bills that were rammed through this place without notice. This action manifests an inability of the Government to organise itself and a desire to escape scrutiny. If the Government has nothing to hide it should let the bills sit on the table and get its mates in the upper House to delay the guillotine for a few days. The upper House is more organised than the Government members in this place. The Opposition does not and will not support the suspension.

Question—That the motion be agreed to—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 Goward	Mrs Sage
Mr Baird	Mr Grant	Mr Sidoti
Mr Barilaro	Mr Gulaptis	Mrs Skinner
Mr Bassett	Mr Hartcher	Mr Smith
Mr Baumann	Mr Hazzard	Mr Souris
Ms Berejiklian	Mr Holstein	Mr Speakman
Mr Bromhead	Mr Humphries	Mr Spence
Mr Brookes	Mr Issa	Mr Stokes
Mr Casuscelli	Mr Kean	Mr Stoner
Mr Conolly	Dr Lee	Mr Toole
Mr Constance	Mr Notley-Smith	Ms Upton
Mr Cornwell	Mr O'Dea	Mr Ward
Mr Coure	Mr O'Farrell	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 Provost	Mr J. D. Williams

Noes, 22

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

Question resolved in the affirmative.

Motion agreed to.

PETITIONS

The Clerk announced that the following Minister had lodged a response to a petition signed by more than 500 persons:

The Hon. Michael Gallacher—Wallsend Police Station—lodged 13 September 2012 (Ms Sonia Hornery)

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Federal Budget Review

Mr JOHN BARILARO (Monaro) [3.34 p.m.]: My motion should be accorded priority because we should address the Federal Government's incompetent handling of the budget, its impact on hardworking families and the State Opposition's hypocrisy in not condemning the Federal Government's budget cuts. Following a speech recently made by Prime Minister Gillard the editors of the *Macquarie Dictionary* changed the definition of a word. We have a strong argument for changing the definition of "hypocrisy" to the one-word definition of "Labor".

This is a bad day for members opposite because for the past 18 months they have opposed some of the tough but fair financial decisions that this Government has had to make to bring the budget back into line. Those decisions had to be made because the Labor Government left behind a deficit and because of the Federal Government's more than \$5 billion GST write-down. Members opposite have waved the flag and opposed every budgetary measure that this Government has implemented to work within the constraints that have been imposed because of the financial climate. They have distributed flyers in their electorates about this Government's tough decisions that have cut through bureaucracy to deliver a sustainable education budget.

The flyer of the member for Maroubra states that the Government's cuts to the education budget will hurt us all. Where is he today, given the education cuts made last night by the Federal Labor Government? He is nowhere to be seen. Whenever the Federal Labor Government makes budget cuts that impact on the families of New South Wales members opposite make excuses. Today is a tough day for members opposite. If they genuinely believe that the cuts made by the New South Wales Coalition Government are wrong they should be criticising the Federal Government and the cuts that Gillard and Swan have made. They should condemn those cuts because of the impact that they will have on the families of New South Wales.

Vocational Education and Training

Ms CARMEL TEBBUTT (Marrickville) [3.37 p.m.]: My motion should be accorded priority because it calls on the Government to guarantee that changes to vocational education and training will not reduce TAFE services in rural and regional New South Wales or for students with a disability. This matter is urgent and it should be debated because the Government has announced some very significant reforms in vocational education and training. Members are aware of the importance of vocational education and training in their local communities and the vital role that TAFE plays in rural and regional New South Wales. They are also aware of the vital role that it plays in meeting the needs of industry, in supporting students with a disability, in providing second-chance education and in meeting the needs of disadvantaged students.

It should concern every member of this House that those vital functions of TAFE are under threat from the reforms that this Government has announced. We heard from the Minister, but we did not hear any guarantee that these functions will be continued after the reforms are implemented. That is why the House should debate this motion. We need those guarantees. The Minister scoffed at the suggestion that such guarantees should be provided. It will not be a laughing matter if vision impaired students attending TAFE do not get that guarantee. It will be no laughing matter for people living in regional New South Wales. It also will be no laughing matter if access to TAFE is limited because the courses that people want to undertake are not on the skills list.

The member for Monaro talked about hypocrisy. I am sure that he and other members opposite will want to demonstrate that they are not hypocrites by voting for my motion. Prior to the election 16 Coalition members signed the Invest in TAFE for a better State pledge. What was in that pledge? It included a promise to look after public assets and ensure that TAFE jobs and functions were not contracted out to the private sector. What did the Government announce today? It announced contracting out to the private sector. The member for

Monaro would define the word "hypocrite" if he voted for my motion because he signed the pledge—as did the member for Dubbo, the member for Pittwater, the Minister for Education, the Minister for the Environment, the member for Port Macquarie— [*Time expired.*]

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

The House divided.

Ayes, 62

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

Noes, 23

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

Question resolved in the affirmative.

Motion agreed to.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. Members who wish to engage in private conversations should do so outside the Chamber.

FEDERAL BUDGET REVIEW

Motion Accorded Priority

Mr JOHN BARILARO (Monaro) [3.50 p.m.]: I move:

That this House:

- (1) notes the Federal Government's incompetent handling of the budget and its impact on hardworking families; and
- (2) notes the State Opposition's hypocrisy for failing to condemn the budget cuts made by their Federal colleagues.

Yesterday's announcement of budget cuts to be inflicted by the Gillard Government on families across this nation highlights the price that Australian families will pay for a weak Government. The Labor Party talks about supporting working families but the Gillard Government has no economic strategy for dealing with Federal and State financial storm clouds. Those opposite criticise the O'Farrell Government but what does Treasurer Swan's budget update contain? Amongst other things, it contains school funding cuts, but there is no noise from those opposite; hospital cuts, but no noise from those opposite; and cuts to the baby bonus, but still no noise from those opposite. But the grab for superannuation is one of the most disgraceful cash grabs to come out of the review.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. Members who wish to engage in private conversations should do so outside the Chamber.

Mr JOHN BARILARO: The Gillard Government will grab small amounts of money from people's superannuation accounts where there has been no activity for 12 months. I consider that to be stealing in order to fund the reckless spending of the Federal Labor Government. The Gillard Government cannot be trusted with the economy. It cannot be trusted to support businesses, as company payments will now return to monthly payments. This will impact on the cash flow of businesses that seek to invest in more infrastructure, capital and jobs. Yet we have not heard a word from those opposite damning the pain that Federal Labor will inflict on families, business and our economy, where investment is declining.

We know what the families of New South Wales will pay as a result of this budget review. The O'Farrell-Stoner Government has been doing the heavy lifting. We have had to make tough but necessary decisions in order to address some of the financial constraints of the past 12 months, with the decline in GST revenue and the debt left by Labor. For the New South Wales budget this means that some \$900 million has gone walking. The reduction in special purpose payments and national partnerships will impact significantly on health and education in New South Wales. Some half a billion dollars will be taken from New South Wales—

Mr Paul Toole: How much?

Mr JOHN BARILARO: Half a billion dollars. That equates to almost 17,000 cardiac bypasses, 30,000 hip replacements, 10,000 kidney transplants or 821 new nurses. The O'Farrell-Stoner Government is investing in health. We have more nurses and record capital and infrastructure investment in health. What do we hear from those opposite about that? Nothing. When a Coalition Government has to make necessary but fair budget announcements about cuts and savings so that we can live within our means—something those opposite do not understand—we are attacked. Opposition members distribute flyers, for example. Mike Kelly, the Federal member for Eden-Monaro, sent out a survey about saving our schools. I hope the Federal member will now distribute a survey and a petition attacking the Labor Federal Government for its cuts to education because up to 1,500 jobs may be lost from the university sector. The Labor Government should be condemned.

Mr MICHAEL DALEY (Maroubra) [3.55 p.m.]: If that is all the member for Monaro has got then it is no wonder the Federal member for Eden-Monaro is laying them in the aisles. I congratulate Dr Mike Kelly on keeping his constituents informed about the cuts to education. I move:

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

"this House:

- (1) notes the Federal Government's excellent handling of the budget and its beneficial impact on hardworking families; and
- (2) notes the State Government's hypocrisy in criticising the Federal Government over the issue of cuts to services for families."

Mr John Barilaro: It is Federal Labor's cuts.

Mr MICHAEL DALEY: Those on this side of the House support Federal Labor 100 per cent. I am not sure what budget document the member for Monaro was referring to when he made his contribution to this debate. He mentioned that his Government had inherited a budget deficit. By the admission of a bloke called Baird M., the Treasurer of New South Wales, those opposite inherited a surplus of \$1.3 billion. Those opposite also inherited a set of economic circumstances the envy of State governments all over the world.

Mr Mike Baird: Point of order: I ask that the member for Maroubra be drawn back to the leave of the motion. It should be noted that \$1.3 billion less Federal spending and rail grant shuffling is equal to a deficit.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order. The member for Maroubra has the call.

Mr MICHAEL DALEY: I was speaking to my amendment to the motion. The fellow who just interrupted—

Mr Paul Toole: The Treasurer.

Mr MICHAEL DALEY: Yes, that is him. As I said last week he and his boss—a bloke by the name of Premier O'Farrell—have forever forsaken any right they had to walk into this place or anywhere else and talk about being deprived of revenue. One of the first things the Government did when it took charge of the Treasury bench was to give away \$300 million in four years in certain revenues. Last week it did that in respect of port asset sales—namely, \$225 million per year, with exponential growth expected for a century.

Mr Troy Grant: What about the Pacific Highway?

Mr MICHAEL DALEY: The member for Dubbo can mouth off but his great grandchildren will be the first people to see that revenue returned to this State. On top of that, the Government is gouging credit card fees—

The DEPUTY-SPEAKER (Mr Thomas George): Order! Government members will direct their comments through the Chair.

Mr MICHAEL DALEY: Mr Deputy-Speaker, this is a continuation of the blame game. The Government is gouging credit card fees from little old ladies who get their licences renewed, drawing record dividends from government instrumentalities and from energy companies—

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Maroubra will direct his comments through the Chair.

Mr MICHAEL DALEY: I said "Mr Deputy-Speaker". The standing orders do not require me to look at the Deputy-Speaker while I am making my contribution.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I did not ask the member for Maroubra to look at me; I asked him to direct his comments through the Chair.

Mr MICHAEL DALEY: The Government is making the wrong infrastructure decision in building the North West Rail Link, which even Nick Greiner says should not be built at this time.

Mr Troy Grant: That's a nice photo.

Mr MICHAEL DALEY: G. I.—the best player game in the game. Those opposite have the hide to talk about financial impacts on families. What do they think the \$3.3 billion cut to the Health budget will do to the hardworking families of New South Wales? What do they think \$2.2 billion worth of education cuts will do to the families of New South Wales? The Government is cutting, slashing, sacking and diminishing services across the board. And members opposite have the hypocrisy to criticise the Federal Government, which has given the New South Wales Government record amounts of infrastructure spending. They dream about building such infrastructure. [*Time expired.*]

Mr DOMINIC PERROTTET (Castle Hill) [4.00 p.m.]: I commend the efforts of the Federal Treasurer for attempting to be the first Labor Treasurer in more than 20 years to deliver a surplus budget at a Federal level. However, there is a significant difference—

Pursuant to sessional order business interrupted and motion lapsed.

SWIMMING POOLS AMENDMENT BILL 2012

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

PETROLEUM (ONSHORE) AMENDMENT (ROYALTIES AND PENALTIES) BILL 2012

Bill introduced on motion by Mr Chris Hartcher, read a first time and printed.

Second Reading

Mr CHRIS HARTCHER (Terrigal—Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast) [4.01 p.m.]: I move:

That this bill be now read a second time.

The Petroleum (Onshore) Amendment (Royalties and Penalties) Bill 2012 amends the Petroleum (Onshore) Act 1991 and the Petroleum (Onshore) Regulation 2007 regarding the payment of royalties for petroleum production. These amendments will support the establishment of regional community funds to channel royalties from coal seam gas production into projects to benefit local communities. The bill also amends the Petroleum (Onshore) Act 1991 and the Mining Act 1992 to increase penalties for certain offences. These amendments will strengthen the enforcement and compliance framework for exploration and mining by significantly increasing the penalties for key offences. The Government is serious about compliance with the legislation. Those who do the wrong thing may face penalties of up to \$1.1 million. Finally, the bill amends the Petroleum (Onshore) Act 1991 to confer jurisdiction on the Land and Environment Court to hear proceedings under that Act.

The Petroleum (Onshore) Act 1991 sets up a framework to regulate the petroleum exploration and production industry. The Act provides for a system of titles for exploration, assessment and production activities. It provides for the payment of royalties by titleholders for petroleum production. The Act also includes mechanisms to ensure that the interests of landholders and the community are protected. These include landholder compensation under access arrangements and the imposition of environmental management requirements on titles. To encourage initial investment in the petroleum industry, the Act and regulation established a royalty holiday for production companies, followed by an introductory sliding scale of royalty payments. This meant that petroleum producers did not have to pay royalty on petroleum for the first five years of production. Over the next five years the royalty amount increased incrementally to 10 per cent of the value of petroleum produced.

The bill now removes this royalty holiday. Royalty payments will commence when petroleum production starts. This will apply to all current and future production leases from 1 January 2013. In New South Wales coal seam gas production is currently valued at about \$34.5 million per annum. However, given that current estimates of potential New South Wales resources are larger than the existing total natural gas reserves for Australia, there is potential for coal seam gas production in New South Wales to exceed \$1 billion annually by 2025. It is understood that the potential for coal seam gas production in New South Wales is similar to that identified in Queensland. In the quarter to June 2012 employment in Queensland's coal seam gas industry surged to 18,500 direct and indirect jobs. It is also expected that gross State product will increase to more than \$3 billion per annum and provide royalty returns of over \$850 million per annum.

The removal of the current royalty provisions from the Act will increase revenue to the State, and will therefore increase revenue for the people of New South Wales. In addition to revising the royalty regime under the Act, the bill will enhance the enforcement and compliance framework under the Petroleum (Onshore) Act 1991 and the Mining Act 1992, particularly in relation to environmental management. I turn now to the detail of the proposed amendments, first in relation to royalties. The bill will amend the Act to provide that the royalty rate will now be prescribed in the regulation. This is consistent with coal royalties under the Mining Act 1992. Previously, the petroleum titleholder could make an agreement with the Minister as to the value of the petroleum produced at the well head. This is the value of petroleum that is used to calculate the amount of royalty payable. The bill provides for the Minister to determine the value of petroleum in all cases, as occurs with coal under the Mining Act 1992.

The bill will also amend the Petroleum (Onshore) Act 1991 to require appropriate measuring systems for petroleum production for the purpose of royalty payments. This will ensure that royalty payments are accurately calculated. The bill also amends the Petroleum (Onshore) Regulation 2007 to prescribe the royalty rate at 10 per cent of the value of petroleum produced. This rate will now apply to all petroleum produced from 1 January 2013. Created to encourage petroleum exploration and investment, the royalty holiday provisions have achieved their purpose. The petroleum industry is now a viable and competitive one. Royalty concessions are no longer necessary. The amendments will bring the Petroleum (Onshore) Act 1991 into line with other royalty regimes, such as for coalmining under the Mining Act 1992.

I turn now to the second main area of amendments, which relate to strengthening the enforcement and compliance framework for exploration and mining. The bill provides for increased penalties for certain offences in both the Petroleum (Onshore) Act 1991 and the Mining Act 1992. The current penalties under the Petroleum (Onshore) Act 1991 and the Mining Act 1992 are considered inadequate to act as effective deterrents for a breach or wrongdoing, particularly in relation to environmental management. The bill therefore introduces a number of key changes to the penalty regime contained in both Acts. It significantly increases the maximum penalty for several offences, such as mining without an authority, failure to comply with a direction and breach of a condition. The maximum penalties for these offences have mostly increased to 10,000 penalty units or \$1.1 million for corporations and 2,000 penalty units or \$220,000 for individuals.

These represent substantial increases. For example, the maximum penalty for failure to comply with a direction under the Petroleum (Onshore) Act 1991 was previously only 100 penalty units or \$11,000—hardly an effective deterrent for a corporation. Under the Mining Act 1992, the maximum penalty for stealing minerals and for obstruction of a person exercising their functions under the Act was 1,000 penalty units or \$110,000. This will now be increased to \$1.1 million for a corporation. These maximum penalties are consistent with penalties for similar offences under the Protection of Environment Operations Act 1997 and the Water Management Act 2000. The amendments recognise the serious nature of these offences. A breach of a condition or a direction could have the potential to significantly impact the environment. The amendments show how serious the Government is about preventing harm and dealing with those who do the wrong thing.

The bill also introduces a number of amendments to support the increased penalty regime. These include providing the Land and Environment Court with jurisdiction to deal with offences under the Petroleum (Onshore) Act 1991 and increasing the penalty limit for offences that can be dealt with by the Local Court. In summary, this bill introduces important reforms designed to meet the needs of a growing, financially viable industry. Removal of the royalty holiday provisions will ensure that this State, and by consequence the people of New South Wales, can financially benefit from our resource-rich land. The increased penalty rates will serve as a reminder to industry about the importance of best practice, especially in relation to environmental management, when conducting exploration and mining activities. I commend the bill to the House.

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

CANCER INSTITUTE (NSW) AMENDMENT BILL 2012

Bill introduced on motion by Mrs Jillian Skinner, read a first time and printed.

Second Reading

Mrs JILLIAN SKINNER (North Shore—Minister for Health, and Minister for Medical Research) [4.10 p.m.]: I move:

That this bill be now read a second time.

I am pleased to bring before the House the Cancer Institute (NSW) Amendment Bill 2012. The bill makes minor amendments to the Cancer Institute (NSW) Act 2003 and the Health Services Act 1997 to revise the governance structure of the Cancer Institute to bring the institute more into line with other similar health entities, such as the Clinical Excellence Commission and the Agency for Clinical Innovation, while still preserving the independence and functions of the Cancer Institute, which was established in 2003 with the aim of enhancing the care and treatment of persons with cancer and research into cancer. The objects of the institute as set out in the Cancer Institute (NSW) Act include increasing the survival rate of people with cancer, reducing the incidence of cancer in the New South Wales community, improving the quality of life of people with cancer, and their carers, and being a source of expertise on cancer control.

The functions of the institute focus on cancer-related research, review and evaluation of cancer-related programs, and consultation, collaboration and cooperation with public health organisations, consumers, health professionals, government agencies, non-government agencies and other persons or bodies involved in cancer control. In the years since the Cancer Institute commenced its work there have been major gains in the ongoing fight against cancer, including an increase in the five-year cancer survival rate from 61 per cent in 2001 to more than 66 per cent, which is on par with the best health systems in the world. We have achieved a decrease in smoking prevalence from 22.3 per cent in 2003 to 14.7 per cent in 2011. We have achieved a 32 per cent increase in access to multidisciplinary cancer teams in rural and regional areas of New South Wales, which helps to ensure that people with cancer, regardless of where they are treated, receive the best possible care.

The institute, in collaboration with the cancer control community, has played a critical role in these achievements as well as a lead role in a number of New South Wales programs, including: the provision of specialised cancer service positions across the State, including directors of cancer services, cancer system innovation managers, cancer care coordinators, psycho-oncologists, social workers and genetic counsellors; the launch of an online tool—eviQ—which gives more than 21,000 health professionals the latest evidence-based treatment information at the point of care; the Canrefer website, designed to link general practitioners and their patients with tumour-specific multidisciplinary care teams as close to home as possible, which has had 38,000 hits since it was launched in February 2012; the establishment of seven translational cancer research centres, bringing together researchers and clinicians to ensure that people with cancer more rapidly receive the best treatments possible; and the rolling out of digital mammography equipment across the State.

In the period since the Cancer Institute (NSW) Act was passed in 2003, the public health system has developed and changed. One of the major changes has been the establishment of further specialist expert bodies, or pillars, to focus on key areas and enhance clinician involvement, to support the health system and to provide advice and support to the Ministry and the Minister. The role of the pillars was further revised and clarified as a result of the 2011 review of health governance: Future Arrangements for Governance of New South Wales Health, in order to remove overlap, improve collaboration between all parts of the New South Wales Health system and put the patient front and centre of everything we do.

Today there are five pillars that support the health system. These have grown from recommendations made by Peter Garling following his review of acute care across New South Wales some years ago. The current five pillars are the Agency for Clinical Innovation, the Bureau of Health Information, the Clinical Excellence Commission, the Health Education and Training Institute and, most recently, New South Wales Kids and Families. Each of those pillar organisations is a statutory health corporation established under the Health Services Act and, as such, they are all public health organisations and form part of the larger New South Wales public health system with administrative, delegated and legislative reporting lines through to the Director General of the Ministry of Health and the Minister.

The Cancer Institute currently sits outside of the public health system in New South Wales. However, as the Cancer Institute's specialist role very much aligns with the roles and functions of the pillar organisations in supporting the health system, it is appropriate to bring the Cancer Institute into the public health system to enable participation in a more collaborative and cohesive fashion with other New South Wales public health organisations. At the same time the Government recognises the successful work of the Cancer Institute to date and the importance of retaining a separate legislative focus on cancer control. The bill therefore aims to bring the Cancer Institute into the fold of the public health system while still maintaining its independence and key statutory functions.

The bill achieves this by amending the Cancer Institute (NSW) Act and the Health Services Act to effectively deem the institute to be a statutory health corporation and thereby bring the institute into the New South Wales public health system, to ensure consistency and foster closer relationships across the health system. However, the bill does not affect the objects, functions, guiding principles or independence of the institute. The bill will amend the Cancer Institute (NSW) Act to require the membership of the board of the institute to be constituted by between five and 11 members who can be appointed for up to four years. This will bring the membership of the Cancer Institute into line with the boards of the pillar organisations.

The staffing arrangements of the institute will also be amended to ensure that, as with the pillar organisations, staff are employed under the Health Services Act and form part of the New South Wales Health Service. The bill will insert a new section 11 into the Cancer Institute (NSW) Act to include a provision based on section 52 of the Health Services Act to allow board members of the institute to be removed by the Governor and replaced with an administrator. While section 52 of the Health Services Act is used sparingly, it is an important provision to ensure that, in the very rare event of a failure of board management, the board can be removed and an administrator appointed.

I turn now to the changes to the review and oversight provisions. Currently, there is a review provision in the Cancer Institute (NSW) Act. Section 21 enables the Minister to appoint an independent panel of experts to review and report to the Minister on the performance of the Cancer Institute in achieving its objectives. Such appointments can be made "from time to time". However, section 21 is of limited use as there are no other provisions in the Act to provide guidance on managing the ongoing relationship between the Minister and director general and the institute, or for more regular oversight of performance or reporting.

The terms of chapter 10 of the Health Services Act establish a more comprehensive and transparent accountability and oversight regime that already applies to all statutory health organisations, including the other pillar organisations. It includes section 122, which allows the director general to inquire into the administration, management and services of any public health organisation and section 126, which provides for the director general to enter into performance agreements with public health organisations. The applicability of section 126 will be important to the Cancer Institute as it will formally provide the basis for the Cancer Institute and the director general to enter into a formal compact outlining the agreed objectives for each year.

Section 126 will also formally bring the institute into the existing service and performance agreement framework, which will strengthen not only its relationship with the Ministry, but also enhance the capacity of the Institute to coordinate its work with the work of the other pillar organisations. To that end, the bill will remove the existing section 21 and instead insert a new section 21A into the Cancer Institute (NSW) Act. The new section 21A provides that chapter 10 of the Health Services Act applies to the Cancer Institute as if it were a statutory health corporation. This will ensure that the review and oversight provisions applicable to the pillar organisations apply to the Cancer Institute. The Cancer Institute has provided an independent voice with respect to cancer control that will continue under the changes set out in this bill.

However, the changes will align the administrative and governance structures of the Cancer Institute with the other important health organisations that form the pillars supporting our public health system. This will ensure that the institute effectively forms part of the public health system. The changes in the bill will therefore allow for a greater collaboration between the different organisations within the health system together with a greater utilisation of the specialist skills and knowledge of the Cancer Institute by other public health organisations while preserving the functions, principles and independence of the institute. The Chief Cancer Officer and the board of the Cancer Institute have been consulted and support this proposed legislative change. 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 later hour.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (REGISTER OF DISCLOSURES BY MEMBERS) BILL 2012

Bill introduced on motion by Mr Barry O'Farrell, read a first time and printed.

Second Reading

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [4.23 p.m.]:
I move:

That this bill be now read a second time.

The purpose of the Independent Commission Against Corruption Amendment (Register of Disclosures by Members) Bill 2012 is to remove any doubt as to the ability of the Independent Commission Against Corruption to consider and, if appropriate, make findings in relation to the Registers of Disclosures of Members of Parliament. All members are well acquainted with the requirements of the Constitution (Disclosures by Members) Regulation 1983. The regulation requires members of Parliament to disclose their pecuniary interests and other matters in the form of returns provided to the Clerk of the House in which they serve. The Clerks maintain these returns in the Register of Disclosures of each House, and these are made available for public inspection. The registers are an important tool in providing transparency and ensuring integrity, and they serve to enhance the accountability of members and of the Parliament.

Members will also be aware that the Independent Commission Against Corruption is shortly to commence public inquiries into alleged corrupt conduct by certain former Ministers and members. In the context of those investigations, the commission has sought and obtained a copy of the Register of Disclosures of Members of the Legislative Council for the relevant periods. The Presiding Officer of the Legislative Council—acting properly and responsibly in the discharge of his duties to uphold the privileges of this Parliament—queried whether parliamentary privilege applied to the registers even though they are already publicly available and open to public scrutiny. Parliamentary privilege is essential to our system of responsible and representative democracy. Members will be aware that, by operation of the 1689 Bill of Rights—which continues to have effect in New South Wales:

The freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any Court or place out of Parliament.

The Presiding Officers, after seeking advice from the Crown Solicitor and consulting with the Independent Commission Against Corruption, have requested that legislation be enacted to ensure that, if the registers are subject to parliamentary privilege, this does not impede the ability of the Independent Commission Against Corruption to use the registers in its investigations. Accordingly, the bill provides that the Independent Commission Against Corruption may use and make findings in respect of the registers. It also provides that, if necessary, parliamentary privilege in respect of the registers is waived to the extent that it might otherwise prevent the Independent Commission Against Corruption from doing that.

Any parliamentary privilege that applies to the registers will continue to apply for other purposes, such as court proceedings. There is legal debate about whether the registers are in fact subject to parliamentary privilege. It is important that legislation be enacted to remove any doubt about the registers and parliamentary privilege in relation to the investigations of the Independent Commission Against Corruption. Parliamentary privilege exists to support the proper functioning of Parliament, primarily by protecting freedom of speech. Parliamentary privilege is not designed to shield members from proper accountability for any misconduct. This bill will not otherwise change the important privileges of the Houses of Parliament or their members.

Scrutiny of the registers by the Independent Commission Against Corruption will not impact adversely on the business of Parliament. It will not inhibit debate. It will not undermine freedom of speech. It will not impede any activities that members of Parliament undertake in the exercise of their representative and parliamentary duties. To the contrary, what it will do is to enhance the integrity and standing of this place. It will further reinforce why it is important for all members to make full and proper disclosure in accordance with the 1983 constitution regulation. And it will ensure that any member who does not is properly held to account by the State's anti-corruption watchdog. I commend the bill to the House.

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

PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (REDISTRIBUTIONS) BILL 2012

ELECTION FUNDING, EXPENDITURE AND DISCLOSURES FURTHER AMENDMENT BILL 2012

Bills introduced on motion by Mr Barry O'Farrell, read a first time and printed.

Second Reading

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [4.28 p.m.]:
I move:

That these bills be now read a second time.

Maintaining an electoral system that we can all have confidence in necessitates regular revision of electoral district boundaries in our various Australian jurisdictions to take account of population growth, and the social and economic changes that prompt demographic movements. Our robust democracy is strengthened by impartial, professional and independent governance and administration of our redistribution process. In New South Wales, electoral redistributions are conducted according to law by three electoral district commissioners who are appointed by the Governor.

The Parliamentary Electorates and Elections Amendment (Redistributions) Bill 2012 implements the recommendations of the electoral district commissioners following the 2004 redistribution of New South Wales districts. A redistribution of New South Wales districts is required because the current electoral boundaries have applied at two consecutive elections. The Parliamentary Electorates and Elections Act 1912 provides that the redistribution is to be carried out by three independent persons, known as the electoral district commissioners, appointed by the Governor. Section 28 of the Constitution Act 1902 provides that:

In any distribution of New South Wales into electoral districts, the boundaries must be determined so that there are an equal number of voters in each electorate at the time the redistribution is made, subject to a margin of allowance not exceeding 10 per cent of the average enrolment. That is known as the "current margin of allowance".

Section 17A of the Parliamentary Electorates and Elections Act 1912 sets out additional criteria that the commissioners must consider when carrying out a distribution. In particular, it provides that the

commissioners must have regard to the demographic trends within the State and endeavour to ensure that at the time of the next State election the number of voters in each electorate will be equal, subject to a margin of allowance not exceeding 3 per cent of the average enrolment. That is known as the projected margin of allowance.

In their report on the 2004 redistribution the commissioners expressed the view that the 3 per cent projected margin of allowance was too restrictive to take into account strong growth electorates and that the requirement to comply with it acted to limit their ability to set electoral boundaries that adequately addressed the other criteria set out in subsection 17A (1) (b) of the Parliamentary Electorates and Elections Act such as, first, the community of economic, social and regional interests within an electoral district; secondly, the means of communication and travel within the electorate; thirdly, the physical features and area of an electoral district; and, fourthly, the boundaries of the existing electoral districts. In their 2004 report the commissioners said that the existing quota is:

... too restrictive to take into account strong growth electorates, especially given the demographic trends, considerations of communities of interest, existing infrastructure, geographic and other spatial information. Given the continued population shift from regional New South Wales to the coast and centres of major population, there will be increasing pressures on in future distributions to meet the criteria of section 17A (1) (b) of the Parliamentary Electorates and Elections Act.

The difficulties identified by the commissioners are clear when you look at the statistics. At the March 2007 election, the number of electors in 21 electorates was outside the 3 per cent quota, including 12 that were greater than the quota and nine that were less than the quota. In the 1999 election, which occurred a year after the 1998 redistribution, 25 of the State's 93 electorates were over or under quota by the time the election occurred. For the benefit of the House, in March last year the number of electors in 29 electorates was outside the 3 per cent quota, including 13 that were greater than the quota and 16 that were lower.

In the 2004 report, the electoral district commissioners appointed by the former Government recommended that the projected margin of allowance be increased to 2 per cent. There is no provision in the legislation to change the provisions under section 28 of the Constitution Act. This bill seeks to implement the recommendation of the 2004 commissioners by making a minor amendment to subsection 17A (1) (a) of the Parliamentary Electorates and Elections Act 1912. The Electoral Commissioner, Colin Barry, who also served as an Electoral Districts Commissioner for the purposes of the 2004 redistribution has endorsed this approach. He said in a statement issued today:

I am pleased the Premier has accepted my recommendation to revisit this issue and to introduce amendments to the legislation.

...

I hope the legislation is passed through Parliament in the coming weeks so the redistribution for 2015 can be commenced in January 2013.

The cognate bill, the Election Funding, Expenditure and Disclosures Further Amendment Bill 2012, has also been proposed by the Electoral Commissioner. It makes minor amendments to the Election Funding, Expenditure and Disclosures Act 1981 to ensure that the Electoral Funding Authority is able to enforce certain offences that are prescribed by regulation. The State's disclosure regime is based on the principle that all parties, groups and candidates, and elected members are required to lodge an annual declaration with the authority that declares political donations and electoral expenditure. The obligation to lodge a declaration is intended to apply also where the declaration contains no specific disclosures of donations or expenditure; in other words, a nil return. This basic obligation ensures that the public has access to reliable information about the donation activity of all participants in the electoral process and assists the authority with its audits and investigative functions.

The authorities raised concerns that the offence of failing to lodge a declaration may not be enforceable in relation to nil declarations; that is, declarations that do not contain any specific disclosure of donations or expenditure. The bill and its measure will put beyond doubt that all parties, groups and candidates, and elected members, regardless of whether they have received donations or incurred electoral expenditure, will be prosecuted by the authority if they fail to comply with their basic disclosure obligations under the Act. The bill will also make clear that a party that fails to comply with its obligations under section 41 of the Act by not appointing a party agent also commits an offence against that section.

These amendments have been introduced at the request of the electoral commissioner to assist him and the Electoral Funding Authority with the enforcement of what has become a complex and unwieldy piece of legislation. That is why the Government looks forward to the views of the Joint Standing Committee on

Electoral Matters on how the Act might be further improved when it reports on its reviews of the State's electoral legislation, both the Parliamentary Electorates and Elections Act and the Electoral (Amendment) (Political Funding) Act. These cognate bills, on the recommendation of the 2004 independent redistribution commissioner and the Electoral Commissioner, strengthen the governance, responsiveness and integrity of our electoral system.

All members of this House have a responsibility to maintain an electoral system that encourages and garners public support and confidence. To do this, we must enable regular revision of electoral boundaries to take into account population movements and the socio-economic changes caused by demographic trends, robust democracy strengthened by impartial professional independent governance and the administration of the redistribution process along those lines. As members well know, electoral redistribution commissioners will be a past or current Supreme Court judge, the New South Wales Electoral Commissioner, and the Surveyor General. Earlier today I reported to the House that this process has commenced. The Government has advised the Governor to approve the appointment of the former President of the Court of Appeal and Supreme Court judge, Keith Mason, as Chairperson of the Redistribution Commission.

The redistribution is a legal process conducted in a transparent public environment and the process is complex work involving community consultation, which, should this legislation be passed, will commence in January of next year. The commissioners will be supported in that work if the legislative proposals are passed today. These are changes that reflect expert independent advice and reflect the realities of what ABC psephologist Antony Green describes as the inexact science of predicting future enrolments. They are changes that deserve the support of this House and I commend them to the House.

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

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 2012

Second Reading

Debate resumed from 17 October 2012.

Mr PAUL LYNCH (Liverpool) [4.37 p.m.]: I lead for the Opposition on the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2012. The Opposition does not oppose this bill. It is the type of omnibus bill that is regularly moved by governments, rather than moving a plethora of individual amending bills. It is a more efficient and more sensible way to proceed. The convention is that only non-controversial propositions are included in legislations such as this. I simply briefly mention three particular provisions. Schedule 1.9 amends the Independent Commission Against Corruption Act so that the total number of years for which a person may be an Assistant Commissioner of the Independent Commission Against Corruption is nine years instead of seven years. That amendment is not opposed, but I ask for an explanation. On the face of it, there seems no particular need for the change, although I am not sure there is a powerful argument against it either. I am interested in the justification for it.

Schedule 1.10—almost unbelievably—amends the Library Act. I would have thought that last year's marathon time-filling debate in which there were more Government speakers than there were words in the bill meant that there was nothing left to say about this bill. The Government, however, has not only found more to say but has found another amendment to move. Schedule 1.6 amends the Crime Commission Act. It was inefficient of the Government to move amendments to the Library Act last year and then to move more in this bill. That criticism is even more forceful in respect of the Crime Commission Act, which was dealt with by the House only a few weeks ago. It is almost a record to have an amendment moved so quickly after a bill has been passed, and that is particularly true when one recalls the substance of the amendment to that Act. These amendments relate to the Crime Commission providing information to the Police Integrity Commission about criminal asset recovery action. It is extraordinary that that part of the bill was not correct the first time around.

The stoush between the Crime Commission and the Police Integrity Commission about criminal asset recovery is notorious. It involved detours to the Supreme Court and significant media coverage. I understand that it also involved a report delivered by Police Integrity Commission Inspector Peter Moss, who recommended prosecutions arising out of the Police Integrity Commission action. Criminal asset recovery actions were also the subject of recommendations made by the Patten inquiry and were the only substantive inquiry recommendations rejected by the Government. That bill also expressly undid Supreme Court Judge Peter Hall's

decisions in the case of Cook. In that context it is extraordinary that the Government could not get the bill right in the first place and that it has had to amend it again so quickly. Having said that, the Opposition does not oppose the bill.

Mr STEPHEN BROMHEAD (Myall Lakes) [4.41 p.m.]: I support the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2012. The bill proposes amendments to 23 Acts and one regulation: the Apprenticeship and Traineeship Act 2001, the Australian Museum Trust Act 1975, the Biofuels Act 2007, the Child Protection (Working with Children) Act 2012, the Children and Young Persons (Care and Protection) Act 1998, the Crime Commission Act 2012, the Criminal Procedure Act 1986, the Election Funding, Expenditure and Disclosures Act 1981, the Independent Commission Against Corruption Act 1988, the Library Act 1939—which is very close to my heart and I have fond memories of speaking on it last year—the Local Government Act 1993, the Museum of Applied Arts and Sciences Act 1945, the Parliamentary Electorates and Elections Regulation 2008, the Prevention of Cruelty to Animals Act 1979, the Public Finance and Audit Act 1983, the Racing Administration Act 1998, the Residential Tenancies Act 2010, the Security Industry Act 1997, the Special Commissions of Inquiry Act 1983, the State Emergency Service Act 1989, the Sydney Opera House Trust Act 1961, the Travel Agents Act 1986, the Universities Governing Bodies Act 2011, and the Water Management Act 2000.

The bill also makes amendments to certain other Acts and instruments for the purpose of affecting statute law revision and repeals certain Acts and provisions of Acts and instruments. I draw the attention of the House to the amendments to the Child Protection (Working with Children) Act 2012. Nothing is more important than the protection of children and having effective provisions covering people who work with them. This bill makes a number of amendments to that Act to strengthen and to clarify it. It corrects cross-referencing and includes transitional provisions. In particular, it ensures that an unconditional order removing a prohibition on a person working in child-related employment that is made under repealed provisions of the Commission for Children and Young People Act 1988 is preserved and treated as being an order of an equivalent kind in the 2012 Act.

Section 29 of the Children and Young Persons (Care and Protection) Act 1988 is amended to provide that it is an offence under section 254 for a person to disclose any information obtained in connection with the administration or execution of this Act except in certain circumstances. The maximum penalty is 10 penalty units, which is currently \$1,100, or imprisonment for up to 12 months or both. These may be minor amendments but they are important for the better governance of New South Wales. I commend the bill to the House.

Mr DOMINIC PERROTTET (Castle Hill) [4.47 p.m.]: I support the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2012. The bill makes minor and non-controversial amendments to 23 Acts and one regulation. The main reason for my contribution to this debate is that I am the only person in the House apart from the member for Heffron who did not speak on the Library Bill 2012, because I had not made my inaugural speech. Given that the Library Act is one of the Acts that will be amended by this bill, I will take this opportunity to talk about the great Hills Shire Library Service at Castle Hill.

The bill amends the Apprenticeship and Traineeship Act 2001, the Australian Museum Trust Act 1975, the Biofuels Act 2007, the Child Protection (Working with Children) Act 2012, the Children and Young Persons (Care and Protection) Act 1998, the Crime Commission Act 2012, the Criminal Procedure Act 1986, the Election Funding, Expenditure and Disclosures Act 1981, the Independent Commission Against Corruption Act 1988 and the Library Act 1939. The object of the Library Act was to enable two or more local authorities to enter into an arrangement for the provision, control and management of libraries, library services and information services in any of their respective local government areas. The 2011 bill provided an alternative to the situation provided for in section 12 of the Library Act 1939 whereby two or more local authorities may enter into an agreement under which one of the local authorities undertakes those functions in the areas of the other local authority concerned.

As I said, this debate provides me with an opportunity to talk about the great Hills Shire Library Service. For some reason I had never joined the library but I recently did so. This free facility has lending services, reference and information services, local studies programs, children's programs, seminar programs, book clubs and knitting and craft groups. I am sure the member for Mount Druitt would be interested in those groups, although he would probably not be so interested in the computer access that the library provides. It also offers photocopying and fax services, home library services and a seniors bus—again the member for Mount Druitt might be interested in that service—the services of a justice of the peace, council services, meeting and study rooms and a cafe. I am glad that I have had the opportunity to make the contribution about my local library that I was unable to make when the Libraries Bill was debated last year.

The bill also makes minor amendments to the Local Government Act 1993, the Museum of Applied Arts and Sciences Act 1945, the Parliamentary Electorates and Elections Regulation 2008, the Prevention of Cruelty to Animals Act 1979, the Public Finance and Audit Act 1983, the Racing Administration Act 1998, the Residential Tenancies Act 2010, the Security Industry Act 1997, the Special Commissions of Inquiry Act 1983, the State Emergency Service Act 1989, the Sydney Opera House Trust Act 1961, the Travel Agents Act 1986, the Universities Governing Bodies Act 2011 and the Water Management Act 2000.

Mr RICHARD AMERY (Mount Druitt) [4.50 p.m.]: I support the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2012. As has been said, it is an omnibus bill. Generally such bills do not generally incur the level of debate that they have since this Government came to office last year. Bills such as this one have been brought in on many occasions. I know that the Attorney General said that this bill is one of the most important pieces of legislation that has ever been introduced in the history of the Coalition Government. In comparison with what the Coalition generally introduces this is probably the most important bill it has ever brought in. I will explain to members of the Government how this bill works by looking at a couple of the amendments it makes to other legislation.

I draw the attention of members to page 31 and the only change to the Waste Recycling and Processing Corporation (Authorised Transaction) Act 2010, No 8, which is to omit "Treasurer" wherever occurring and insert instead "the Minister for Finance and Services". This change was necessary because in previous legislation the Treasurer was the responsible Minister. However, following the election of the Coalition Government it made ministerial changes and structural changes to departments and departments' responsibilities. The Minister for Finance and Services now has control and he is the responsible Minister referred to in the legislation. Omnibus legislation recognises such a change—nothing controversial and no significant reform other than to tidy up the legalities of it.

I also refer to page 32 and the changes to Water Management (General) Regulation 2011. I also refer to the Water Management Act 2000, No 92, which I introduced many years ago with the support of the then shadow Minister, the Hon. Don Page, the current Minister for Local Government. Schedule 3, part 3 will omit "Country Energy" and insert instead "Essential Energy"—again not a dramatic change. It merely enables the legislation to reflect the change in the name of the entity. A similar alteration has been made to 2.4.2 at page 32. Omnibus bills will be introduced into this Parliament about four times a year to tidy up the different changes to ministerial responsibilities, or the name of the portfolio, or the name of the department to reflect those changes in the relevant legislation. The Statute Law (Miscellaneous Provisions) Bill (No 2) 2012 does not contain the most significant reforms, as suggested by Government members in this House. I support the bill.

Mr JONATHAN O'DEA (Davidson) [4.53 p.m.]: I agree with the member for Mount Druitt that the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2012 does not contain the most earth-shattering changes, and nobody has suggested that it does. Perhaps his hearing is somewhat deficient but *Hansard* will show what was said. The Statute Law (Miscellaneous Provisions) Bill (No 2) 2012 continues the longstanding statute law revision program. As the Attorney General previously indicated, bills of this kind have featured in most sessions of Parliament since 1984 and are recognised as an effective tool for making changes of a non-controversial or relatively inconsequential nature. I will speak to one of those in this bill. Like the member for Castle Hill, I did not speak in the debate on the Library Bill. I will again refrain from doing so.

Schedule 1 to the bill amends the Public Finance and Audit Act 1983 by requiring the Audit Office to be reviewed by the Public Accounts Committee every four years rather than every three years as is currently the case. The requirement to conduct reviews of the Audit Office every three years meant that there was only just enough time to implement recommendations before another review was required. Further, as the next review was due this year, the new Public Accounts Committee would have had a relatively short time to acquaint itself with the operations of the Audit Office before undertaking the important work of determining terms of reference for the review. Extending the timing of the reviews to four years will better align with the four-year term of Parliament so that a review is conducted once each parliamentary term. In addition, reducing the frequency of these reviews will provide a significant cost saving.

The Public Accounts Committee therefore recommended that the timing of the independent reviews of the Audit Office be extended by amending section 48A (1) of the Act by replacing "3" with "4"—a relatively easy amendment. The recommendation made by the current Public Accounts Committee was consistent with recommendations made in each of the previous two Parliaments, which, unfortunately, despite being a simple change, were not responded to by the Executive of the Labor Government. That Government's failure to address recommendations of the Public Accounts Committee is hard to understand particularly, as has been emphasised,

as these are not major changes. While the previous Government was embroiled in scandals and distracted by internal dysfunction, the failure to make a simple change of a single-figure number in legislation is difficult to fathom. I am pleased that in this bill the new Treasurer and Government have responded to the recommendation of the Public Accounts Committee with legislative action, as was foreshadowed earlier this year. At least—small mercies—the Opposition is not opposing it.

Mr TONY ISSA (Granville) [4.57 p.m.]: I commend the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2012 as it modernises and updates statutes so that they meet the demands of the current social contexts of the laws. Modernisation of legislation is especially important as technological and social advances make some laws redundant or less effective in practice. Schedule 1 to the bill makes minor amendments to legislation as part of the modernisation process, which I will discuss later. Schedule 2 makes minor technical revisions updating language and names of organisations and formatting changes to improve clarity. Furthermore, it corrects minor errors in technical provisions to address any confusion. Schedule 3 repeals a number of Acts and provisions of Acts that have become redundant. I will refer to some of the amendments included in schedule 1 that particularly affect the people of my electorate.

Amendments will be made to the Children and Young Persons (Care and Protection) Act 1998. Alternative reporting arrangements are now available whereby mandatory reporters such as teachers, healthcare workers and police officers can refer matters relating to the safety, welfare and wellbeing of unborn children and young persons to assessment officers rather than directly to the director general. Assessment officers under current arrangements handle mandatory reports: so this amendment now reflects what is happening in practice. This amendment will streamline reporting arrangements as the personnel dealing with the reports will be provided with information directly from mandatory reporters instead of work having to be delegated by the director general.

The protection of persons who make reports or provide certain information has also been strengthened with the insertion of a maximum penalty of 10 penalty units or imprisonment for up to 12 months, or both. This amendment, which is aimed at deterring people from leaking information, will encourage more people to come forward with information about suspicions relating to the wellbeing of a child. Adopting recommendations made by the 2008 Special Commission of Inquiry into Child Protection Services in New South Wales, the amendments simplify applications for protection orders by removing the requirement for a written report where the application is for a rescission or variation of a care order or where such a report has previously been provided.

The Residential Tenancies Act 1998 has also been reviewed. Currently the Act does not allow proceedings to be brought in relation to a rental bond within a strict three-year period from the commission of the offence. The Government understands that often issues relating to rental bonds arise at the end of tenancies, which may be outside the current three-year period provided. Amendments will enable proceedings for an offence relating to a rental bond to be commenced within three years from the commission of the offence or at the termination of the residential tenancy agreement, whichever is later. The bill also amends the Crime Commission Act 2012. The Commissioner of the New South Wales Crime Commission must certify that any terms of agreement negotiated between the Crime Commission and persons subject to confiscation orders comply with guidelines set by the New South Wales Crime Commission Management Committee under section 57 of the Act. This is another check and balance in the system aimed at minimising any chance for corruption and greater transparency in negotiations with persons subject to confiscation orders.

I recently spoke on the Prevention of Cruelty to Animals Act 1979. The Act is to be further amended to improve the chances of authorities capturing animals living in poor conditions before they deteriorate to the extent that it is more humane for them to be put down. The amendments broaden the powers of the director general to authorise an inspector to search premises and vehicles on such land for the purpose of seizing and disposing of distressed stock animals. Previously premises and vehicles could not be searched. Recognising that animals are conscious and aware beings, and understanding the fact that animals, like humans, have a nervous system and feel pain, the Government feels strongly about acting to ensure livestock are treated in a proper and humane manner. Such a sweeping statutory review ensures that the quality of the legislation in New South Wales is maintained. I commend this bill to the House.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.03 p.m.], on behalf of Mr Greg Smith, in reply: I thank all members for their contribution to this debate. In particular I thank the members for the electorates of Liverpool, Myall Lakes, Castle Hill, Mount Druitt, Davidson and Granville. The bill contains miscellaneous amendments to 23 Acts: the

Apprenticeship and Traineeship Act 2001, the Australian Museum Trust Act 1975, the Biofuels Act 2007, the Child Protection (Working with Children) Act 2012, the Children and Young Persons (Care and Protection) Act 1998, the Crime Commission Act 2012, the Criminal Procedure Act 1986, the Election Funding, Expenditure and Disclosures Act 1981, the Independent Commission Against Corruption Act 1988, the Library Act 1939, the Local Government Act 1993, the Museum of Applied Arts and Sciences Act 1945, the Parliamentary Electorates and Elections Regulation, the Prevention of Cruelty to Animals Act 1979, the Public Finance and Audit Act 1983, the Racing Administration Act 1998, the Residential Tenancies Act 2010, the Security Industry Act 1997, the Special Commissions of Inquiry Act 1983, the State Emergency Service Act 1989, the Sydney Opera House Trust Act 1961, the Travel Agents Act 1986, the Universities Governing Bodies Act 2011 and the Water Management Act 2000.

The bill also deals with matters of pure statute law revision, repeals certain Acts and provisions of Acts and instruments that are redundant, and makes other necessary savings, transitional and other provisions. The amendments contained in the bill are of a minor and non-controversial nature, as was evidenced in debate. As part of the ongoing statute law revision program, the bill enables minor policy changes to be made efficiently and redundant legislation to be repealed. The bill ensures that New South Wales legislation remains as up to date and effective as possible. I commend the 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.

Third Reading

Motion by Mr Brad Hazzard 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.

CRIMES (ADMINISTRATION OF SENTENCES) LEGISLATION AMENDMENT (INTERSTATE TRANSFERS) BILL 2012

Second Reading

Debate resumed from 18 October 2012.

Mr PAUL LYNCH (Liverpool) [5.05 p.m.]: I lead for the Opposition on the Crimes (Administration of Sentences) Legislation Amendment (Interstate Transfers) Bill 2012. The Opposition does not oppose the bill, which seeks to introduce nationally agreed changes to the nationally endorsed and existing system for the transfer of community-based sentences, parole orders and prisoners. Other States and Territories have undertaken to introduce similar laws. The three Acts that this bill proposes to amend are the Crimes (Interstate Transfer of Community Based Sentences) Act 2004, the Parole Orders (Transfer) Act 1983 and the Prisoners (Interstate Transfer) Act 1982. These, as I understand it, are part of a uniform national scheme.

The objects of this bill are expressed to be, among other things: to facilitate the making of reciprocal arrangements for the administration of local and interstate community-based sentences and parole orders; to clarify the application of the Act concerning financial penalties; to vary the conditions that must be satisfied before an interstate parole order may be registered in New South Wales; to clarify the way in which interstate parolees are dealt with for a breach of parole; and to clarify the location to which prisoners who are being transferred interstate can be transported. The primary significance of the legislation is that it provides a statutory basis for interstate travel arrangements for parolees and those serving community-based sentences. There certainly are present arrangements for offenders subject to parole or a community-based sentence to travel to and remain in another State but they have no statutory basis. If an offender interstate breaches an order they are accountable to their home jurisdiction and local authorities do not have real power to take immediate action. This legislation clarifies that issue.

Moreover, while administrative steps currently can be taken they appear to involve a cumbersome and lengthy process, requiring various steps in both the receiving and sending to States and Territories. That scheme is replaced in this bill by an interstate travel permit scheme that allows individual jurisdictions to issue interstate travel permits pursuant to agreed arrangements. The institution of a formal statutory basis will have benefits for all involved. A more expeditious process benefits offenders by having things done more quickly. That may well be of significance for rehabilitation if it involves obtaining employment interstate, for example. It may also make travelling for family reasons far easier. It will also allow a formal process for supervision by the local equivalent of the Probation and Parole Service. In terms of community safety, it provides a statutory basis for local authorities to intervene expeditiously if an offender breaches a condition of the permit.

The other aspect of the bill that I briefly note is the amendment to the Prisoner (Interstate Transfer) Act. This Act presently provides that if a prisoner is being transferred interstate from New South Wales then the prisoner must be transferred to a prison. This bill alters that so that the prisoner must be transferred to a mutually convenient location. Thus a prisoner may be taken to a police station near the border rather than to a prison. That seems entirely sensible. The Opposition does not oppose this bill.

Mr STEPHEN BROMHEAD (Myall Lakes) [5.08 p.m.]: I speak in support of the Crimes (Administration of Sentences) Legislation Amendment (Interstate Transfers) Bill 2012. I commend the Attorney General for introducing this bill. I note that the member for Liverpool, who led for the Opposition, supports the bill and endorses the Government's approach to this legislation. Indeed, it was pleasing to see the member for Liverpool give praise to the reformist O'Farrell Government.

The object of the bill is to amend the Crimes (Interstate Transfer of Community Based Sentences) Act 2004 so as to facilitate the making of reciprocal arrangements for the administration of local and interstate community-based sentences, clarify the application of the Act in relation to fines and other financial penalties imposed by an interstate sentence, limit the purposes for which an interstate penalty has effect in relation to an interstate sentence after it has been registered as a community-based sentence under a law of this State, and provide that proceedings against an offender whose interstate sentence is registered as a community-based sentence under a law of this State may not be commenced or continued in relation to any breach of the conditions of the sentence that occurred before it was registered.

The bill amends the Parole Orders (Transfer) Act 1983 to facilitate the making of reciprocal arrangements for the administration of local and interstate parole orders, to vary the conditions that must be satisfied before an interstate parole order may be registered in this State, to extend the range of documents that may be used to support an application for the registration of an interstate parole order, to provide that an interstate parolee whose parole order is registered in this State may be dealt with under the laws of this State for any breach of the conditions of parole that occurred before the order was registered and that the proceedings against the New South Wales parolee whose parole order is registered under a law of another jurisdiction may not be commenced or continued in relation to any breach of the conditions of the parole that occurred before the order was registered. The bill also will provide that the consequences of the revocation of a parole order that has been registered under the Act are no different from those of the revocation under the laws of this State or any other parole order, and to insert a provision with respect to the Minister's use of various documents and information in connection with the making of determinations and exercise of discretions under the Act.

The bill amends the Prisoners (Interstate Transfer) Act 1982 so as to enable prisoners who are being transferred to an interstate jurisdiction to be delivered to an interstate escort, and at a location authorised for that purpose by the prisons authority for that jurisdiction, and to ensure that the arrest powers given to an interstate escort in relation to an offender who escapes from custody while in this State extend not only to prisoners in transit to another jurisdiction but also to prisoners being transferred to this State. Currently, interstate travel arrangements exist between the probation and parole and community corrections services of the Australian States and Territories, where an offender subject to a community-based sentence or a parole order is permitted to travel to and remain in an interstate jurisdiction temporarily. The bill aims to provide a statutory basis for these interstate travel arrangements.

The Attorney General in the second reading speech outlined that the amendments to the three Acts are endorsed by the Council of Australian Governments Standing Committee on Law and Justice. There are many legitimate reasons for parolees to travel interstate but they are currently not being monitored properly. These new laws will make the community safer because offenders can be supervised. This legislation will give new teeth to arrangements between States to allow short-term travel by offenders to attend funerals, training courses and medical appointments or to undertake seasonal work. About 200 interstate offenders travel to New South

Wales each year, but there is no way of knowing where they work or what they are doing. Under the new system, interstate authorities will formally notify their New South Wales counterpart of an offender's travel plans and the conditions of their parole or other court orders.

Conditions imposed on offenders can include bans on going near schools or other specified locations, drinking alcohol and fraternising with certain people. The new scheme means that New South Wales authorities will be formally informed and a supervised travel permit issued that requires the offender to complete programs to address offence-related behaviour that were conditions of his parole. There have been a number of examples of that. These new laws will give teeth to the authorities to do something about those who abuse those rights. I commend the bill to the House.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.13 p.m.], on behalf of Mr Greg Smith in reply: I thank the member for Liverpool and the member for Myall Lakes for their comments on this important legislation, the Crimes (Administration of Sentences) Legislation Amendment (Interstate Transfers) Bill 2012. As has been indicated, New South Wales is the first Australian jurisdiction to introduce these important amendments into our legislation. The bill is part of a broader framework that is being undertaken throughout the States and Territories of Australia. As was indicated earlier, the bill was approved by the National Corrective Services Ministers Conference and has been endorsed by the Council of Australian Governments Standing Committee on Law and Justice.

The bill is important for those who are in receipt of community service orders and/or subject to parole because it facilitates their capacity to move between the States and Territories of the Commonwealth. The legislation amends the Crimes (Interstate Transfer of Community Based Sentences) Act 2004, the Parole Orders (Transfer) Act 1983 and the Prisoners (Interstate Transfers) Act 1982. When each of the States and Territories has completed the enactment of similar legislation there will be a system operating across State and Territory borders that will ensure persons who are in receipt of parole orders or community-based sentences will be able to move across borders within an appropriate framework. I commend the 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.

Third Reading

Motion by Mr Brad Hazzard 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.

RAIL SAFETY (ADOPTION OF NATIONAL LAW) BILL 2012

Second Reading

Debate resumed from 18 October 2012.

Mr RYAN PARK (Keira) [5.16 p.m.]: I lead for the Opposition in debate and indicate at the outset that we will not be opposing the Rail Safety (Adoption of National Law) Bill 2012. This important work began back in 2009. I congratulate the Hon. Anthony Albanese on his efforts in driving this measure through the Council of Australian Governments to deliver safer and more united rail regulation across the country. I have spoken to the Minister about this bill, as has my colleague in the other place the Hon. Penny Sharpe. Indeed, I had the opportunity to have a quick conversation with the Minister today, and she gave assurances about several concerns I raised. I am pleased about that. The bill is the result of work that commenced back in 2009. Specifically, the bill applies the Rail Safety National Law to New South Wales. It repeals the Rail Safety Act 2008 and makes consequential amendments to the Transport Administration Act 1998 and the Passenger Transport Act 1990 to clarify the agencies responsible for transport safety regulation.

A lot of this work has come out of tragedies on our rail network over the past few decades. The most recent incident was at Waterfall. Waterfall is a little north of my electorate; I think it is located in the neighbouring electorate of Heathcote. However, a large number of my constituents travel through Waterfall each day on the South Coast rail line, which cuts its way through the national park on the way down to the Illawarra. I am pleased that this agreement will deliver into law a fully fledged National Rail Safety Regulator. The bill will strengthen rail safety regulations. To put it bluntly, rail safety measures should be adopted in a spirit of bipartisanship. None of us wants to see our constituents or other members of the public injured on any part of the rail network.

It is in that spirit of bipartisanship that I request a couple of things of the Minister in reply. I would like an update on where the Government is in relation to finalising—or what used to be called closing off on—recommendations from the Waterfall report. A significant inquiry took place as a result of the Waterfall incident and a large number of recommendations were made. My recollection—and I stand to be corrected—is that some of those recommendations are still to be finalised. I want to check with the Minister what progress has been made regarding any outstanding recommendations, whether timelines have been established for their completion, if appropriate, and whether money has been allocated in terms of delivering on those recommendations. I think members would appreciate hearing that from the Minister. I am also seeking clarification from the Minister as to whether the fatigue management regime will operate on a permanent basis.

I note from the bill that the Independent Transport Safety Regulator [ITSR] will have responsibility for delivering rail regulations in New South Wales for the National Rail Safety Regulator. My work in the Transport portfolio means that I have quite a sound understanding of the way in which safety regulations work. Officers of the Independent Transport Safety Regulator are some of the finest practitioners around. They are extremely skilled; they are the people who ensure that network operators do everything possible to keep us safe. I want to make sure that we continue to use their expertise. I was heartened to hear today, in conversation with the Minister, that she is very supportive of the work they do. That is good news for our community. It is that sort of behind-the-scenes work that means the millions of people making trips each and every day, getting on and off trains, can do so with as much surety about safety as possible. I think that is important to members on all sides of politics.

I also understand that Roads and Maritime Services [RMS] will have responsibility for delivering regulatory services for buses, coaches and ferries under the national laws overseeing heavy vehicles and commercial vessels. I understand they are more about ensuring that the regulation is adhered to and enforced than the establishment of specific standards in relation to it. The changes establish Roads and Maritime Services as the bus safety regulator for New South Wales and transfer responsibility for the administration and enforcement of bus, taxicab, hire car and tourist service accreditation, authorisation and licence requirements to Roads and Maritime Services.

I am also pleased that, as was the case under previous governments, the Minister retains the ability to seek advice or order investigations through the Independent Transport Safety Regulator or the Office of Transport Safety Investigations [OTSI]. This is not an area where any of us should be playing any form of politics. The people of New South Wales who use public transport every day take for granted that we have this right. It is important that legislation such as this is scrutinised, that it is working within a national framework and that we get the best possible people to ensure that commuters travel daily on public transport as safely as possible. Some quite dramatic and tragic incidents on the rail and road networks have led to improvements in safety and in the way those networks are monitored and regulated. We all remember the tragic bus crashes that have occurred. We have seen tragedies on the road and rail networks. Recently there were some tragedies involving school buses. We all have a responsibility to review and look for ways to make the network safer. We must continue to try to work cooperatively, in a bipartisan way, and express concerns and make suggestions.

This should be dynamic legislation. We must continue to learn from overseas and interstate—across the developed world—about new technology to improve safety on the rail network and the broader public transport network. We can never say that we have got it completely right and we should never say that we have done enough. The families of those who have lost their lives in tragic incidents rely on the men and women in this place to put in place the strongest possible regime and continue to review this legislation and work with the Commonwealth. Regardless of who occupies the Treasury bench, we should continue to make sure that safety on our public transport network, particularly as it relates to children on school buses, is considered in a national framework and given the necessary resources and expertise. The communities of New South Wales rely on us to do that.

The Opposition will not oppose the bill. We will continue to work with the Government and with our Federal colleagues, regardless of who is in government. It is paramount that we are across the issues and know what is involved, because each and every day our constituents, family members, friends and loved ones rely on the fact that we have got it right. We must get this right. If members raise concerns the Minister must be able to establish specific investigations and be comfortable with what is happening. My only request is that the Minister clarify the permanency of the fatigue management regime and that we get a timeline or some update about how we are going with the Waterfall recommendations, which are very important. It is vital work undertaken by previous governments. I seek some clarification, as I know the Hon. Penny Sharpe does in the other place, of how that work is progressing, whether any more dollars are to be allocated, and what time lines may be in place to get it finalised.

Mr BART BASSETT (Londonderry) [5.28 p.m.]: I support the Rail Safety (Adoption of National Law) Bill 2012. As members will be aware, these reforms are part of the Council of Australian Governments [COAG] national partnership agreement to deliver a seamless national economy. New South Wales is committed to this process, which will transform and strengthen the way that rail safety is regulated in Australia. It will make it easier for rail operators to work across State and Territory boundaries, and remove a number of duplications and inefficient regulations. Importantly, the Government has ensured that New South Wales' strict safety standards have not been compromised in this process. In this respect, it may assist members for me to provide some background on the New South Wales decision to ensure that drug and alcohol testing requirements for rail safety workers, and shift limits and mandatory break periods for train drivers, were not changed. Under the Rail Safety National Law operators must:

... ensure, so far as is reasonably practicable, that rail safety workers do not carry out rail safety work while the prescribed concentration of alcohol is present in their blood or while under the influence of a drug.

In addition, the law outlines detailed requirements for drug and alcohol management programs, which include supporting policies and procedures as well as protocols governing fairness and appeals processes dealing with grievances and disciplinary action under these programs. The national regulator will also conduct a general drug and alcohol testing program that covers post-incident testing and a level of programmed and random testing. New South Wales supports the national scheme, particularly as it represents a strengthening of drug and alcohol management requirements in some other jurisdictions. However, since New South Wales has had a well established and effective framework for operator drug and alcohol testing in place for some time, the Government has ensured that it will be retained to supplement the regulator's program.

Therefore, in New South Wales rail operators will continue to test a minimum of 25 per cent of their rail safety workers each year and report positive results to the regulator for possible investigation and prosecution where appropriate. Ensuring that operators retain minimum testing requirements and report positive results to the regulator sends a strong message that working on New South Wales' rail network with drugs or alcohol in one's system will not be tolerated. Operators will also retain the requirement to undertake post-incident drug and alcohol testing. This is important because operators are often on site quicker than the regulator or police, which means that testing can occur in a timely manner.

These arrangements were introduced following recommendations of the special commissions of inquiry into the Waterfall and Glenbrook rail accidents and represent some of the most stringent rail safety requirements in the country. The New South Wales Government has determined these requirements will not be compromised by the introduction of national regulations. New South Wales will also retain the maximum shift limits and mandatory break periods currently in place for train drivers in New South Wales. These arrangements are designed to protect passengers and the public from the risks caused by train drivers whose ability and judgement may be impaired by a lack of rest. Retaining these provisions provides a safety net and does not mean that operators can rely solely on outer limits to manage fatigue risks. Operators will still be required to consider other potential impacts on fatigue under safety management system requirements and will need to design work scheduling practices accordingly.

The Standing Council on Transport and Infrastructure recognises the commitment of the New South Wales Government to our current approaches to drug and alcohol testing and fatigue management and the New South Wales position will be retained under the national rail safety regulations, which will be introduced in January 2013. Under these arrangements the high-standard rail safety practices in New South Wales will remain in place, while still delivering the national consistency sought by industry. I am glad the New South Wales Government has ensured that safety standards in New South Wales will not be diminished, and trust the bill will receive the support of all members. I congratulate the Minister and I commend the bill to the House.

Mrs ROZA SAGE (Blue Mountains) [5.32 p.m.]: I make a brief contribution to debate on the Rail Safety (Adoption of National Law) Bill 2012. Historically, Australia's rail system evolved independently with individual colonial governments. Prior to Federation there was no thought of connecting rail systems. Hence States adopted different rail gauges, with Queensland, Tasmania and Western Australia having narrow gauge, New South Wales the standard European gauge, and Victoria and parts of South Australia adopting the broad Irish gauge. In 1917, passengers travelling from Brisbane to Perth had to change trains six times due to incompatible tracks and rolling stock. It is only since relatively recently, in 1995, that there has been a single standard track linking all capital cities.

Today we debate a bill that will also enable national reforms relating to rail safety to be streamlined across Australia. The bill will enable the much-needed national reform first agreed to at the Council of Australian Governments of a single National Rail Safety Regulator. The bill will establish the National Rail Safety Regulator in New South Wales by applying the Rail Safety National Law. While this streamlining will make regulations and rail transport administration more efficient, there is an assurance that the current standards that apply to rail safety in New South Wales will be maintained and strengthened. To this effect, the existing New South Wales Independent Transport Safety Regulator will deliver the Rail Safety National Law in New South Wales via a service agreement with the national regulator.

Rail safety is paramount for everyone who travels on a train, and is very close to my heart. As many members will be aware, Blue Mountains has ribbon development, with towns spread along the Great Western Highway and the rail corridor following the same line. The Blue Mountains community has been hit hard over the decades with two major rail incidents impacting directly on Blue Mountains services—the Granville rail disaster in 1977 and the Glenbrook rail disaster in 1999—with the loss of lives of Blue Mountains residents. That is why rail safety is of particular interest to me. The importance of rail safety hit very close to home on the morning of 2 December 1999. At 8.22 a.m. on a Thursday morning residents of the Blue Mountains were going about their business as they do on any normal Thursday. Blue Mountains commuters were travelling to work when seven passengers lost their lives when the waiting interurban service collided with the *Indian Pacific*, which was delayed on the line.

The rail disaster touched many in the Blue Mountains, including me. I knew personally residents who travelled on that service and were affected, and one of my former dental patients was one of those who died in the disaster. There is no doubt that many residents are still dealing with the loss of their loved ones, friends and neighbours. The subsequent special commissions of inquiry into the Glenbrook and Waterfall rail accidents led to many recommendations being implemented in the State rail safety requirements, making them some of the most stringent in Australia. To ensure the existing New South Wales arrangements do not duplicate and are consistent with the national laws and the functions of the national regulator, the bill makes amendments to the Transport Administration Act 1988 and the Passenger Transport Act 1990 and repeals the Rail Safety Act 2008 and regulations to support the establishment and operation of the national regulator.

It is anticipated that the regulator will commence activities in January 2013. The national law sets out the following functions of the Office of the National Rail Safety Regulator: to administer, audit and review the safety accreditation regime under the law; to work with rail transport operators, rail safety workers and others involved in railway operations to improve rail safety; to conduct research, collect and publish information relating to rail safety; to facilitate the provision of advice, education and training in relation to rail safety; to monitor, investigate and enforce compliance with this law; to engage in, promote and coordinate the sharing of information to achieve the objects of this law, including the sharing of information with a prescribed authority; and to carry out any other function as agreed between the office of the national regulator and the jurisdictions.

Importantly, the Minister for Transport will still have the authority to request safety advice or that an investigation be undertaken by the National Rail Safety Regulator through the New South Wales Independent Transport Safety Regulator or the Office of Transport Safety Investigations. This is a very timely bill, which will cut red tape for rail operators across Australia but still keep the stringent safety controls in New South Wales that the public expect. I congratulate our very fine Minister for Transport, Gladys Berejiklian, on bringing this bill to the House and for being so mindful of the rail safety of people in New South Wales. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [5.38 p.m.]: The purpose of the Rail Safety (Adoption of National Law) Bill 2012 is to enable national reforms relating to rail safety to apply in New South Wales. This bill aims to apply as a law of this State the Rail Safety National Law, which is contained in the schedule to the Rail Safety National Law (South Australia) Act 2012 of South Australia, and to repeal the Rail Safety Act 2008 and regulations under that Act.

This bill also aims to make consequential amendments to other Acts, and the provision of a savings and transitional nature consequent on the enactment of the bill. The introduction of this bill will enable the Independent Transport Safety Regulator to exercise the functions of the National Rail Safety Regulator under the Rail Safety National Law of Australia 2012. Uniform legislation that is in effect throughout this country will help ensure that all railways throughout Australia will remain safe and in good working order. The safety of both railway employees and commuters are of paramount importance, and clear-cut legislation is required to keep the safety checks in place.

The Rail Safety National Law provides for the following matters: the establishment of the National Rail Safety Regulator; the safety of duties of rail transport operators, including rail infrastructure managers and rolling stock operators, and of designers, manufacturers and suppliers of rolling stock and rail infrastructure; the accreditation by the National Rail Safety Regulator of rail transport operators for the purposes of railway operations; the registration of rail infrastructure managers of private rail sidings; the requirements for safety management systems for rail transport operators, including interface agreements relating to rail and roads; the requirements for other safety plans and programs for rail transport operators; training requirements for and drug and alcohol testing of rail safety workers; the appointment and powers of rail safety workers for the purposes of enforcement of law; and enforcement measures, including improvement and prohibition notices, non-disturbance notices, injunctions, court-based sanctions and infringement notices and enforceable voluntary undertakings.

I now turn to the importance of safety management systems for rail transport operators and the importance of drug and alcohol testing for rail safety workers. A safety management system is a system for controlling safety risks in rail operations and documents standards, practices and procedures that, when implemented successfully, promote and maintain safety. The safety management system plays a key role in ensuring that risks and hazards associated with the industry are identified, minimised and controlled, should they occur. Ensuring our railway networks remain a drug-free and alcohol-free workplace is extremely important. The result of an unfortunate event that may occur as a result of an individual who is inebriated or strung out on drugs could be catastrophic. As such, it is incredibly important that drug and alcohol testing of rail safety workers be carried out on a regular basis. Numerous safety measures outlined in this legislation play an important role in ensuring that our railways remain both a safe workplace and a safe mode of transport for the public. I support the bill.

Mr NICK LALICH (Cabramatta) [5.42 p.m.]: I speak on the Rail Safety (Adoption of National Law) Bill 2012. The objects of the bill are, first, to apply as a law of this State the Rail Safety National Law, which is contained in the schedule to the Rail Safety National Law (South Australia) Act 2012 of South Australia. The enactment of this legislation is part of a uniform scheme of legislation applying that law, which relates to the accreditation of all rail transport operators and rail safety in the States and Territories. The second object of the bill is to enable the Independent Transport Safety Regulator to exercise the functions of the National Rail Safety Regulator under that law. The third is to confer on Transport for NSW functions relating to the strategic coordination of safety regulatory frameworks in relation to transport authorities and other related functions. The fourth is to confer on Roads and Maritime Services functions relating to the accreditation of bus operators and other related enforcement and licensing functions, as well as safety functions.

The Fifth object of the bill is to make consequential amendments to other Acts and provisions of a savings and transitional nature consequent on the enactment of the bill. And the sixth is to repeal the Rail Safety Act 2008 and regulations under that Act. It is important that on our complex network of both metropolitan and country rail lines that there is adequate legislation keeping the rail lines safe. Working on the ground in railway operations can be very dangerous with many associated risks for maintenance workers, installers, signallers and many more. It is important to have agreed legislation that is adhered to in all jurisdictions. Uniform legislation ensures that all railways throughout the country included in this bill are kept safe and in good working condition so that accidents and incidents can be minimised as much as possible. Safety is paramount because dangerous railway incidents can have devastating consequences.

The Rail Safety National Law provides for the establishment of the National Rail Safety Regulator; the safety duties of rail transport operators, including rail infrastructure managers and rolling stock operators, and of designers, manufacturers and suppliers of rolling stock and rail infrastructure; the accreditation by the National Rail Safety Regulator of rail transport operators for the purposes of railway operations; the registration of rail infrastructure managers of private rail sidings; the requirement for safety management systems for rail transport operators, including interface agreements relating to rail and roads; the requirement for the other safety plans and programs for rail transport operators; the training requirements for, and drug and alcohol testing of rail

safety workers; the appointment and powers of rail safety workers for the purposes of enforcement of the law; and the enforcement of measures, including improvement and prohibition notices, non-disturbance notices, injunctions, court-based sanctions and infringement notices and enforceable voluntary undertakings.

I speak about the importance of drug safety testing for rail safety workers. Breathe tests, breath analyses and drug-screening tests are a number of ways in which rail safety workers can be tested so that our rail network can be kept as safe as possible. Testing may be random on workers who are about to carry out or are in the process of carrying out their duties. Testing may include the taking of blood and urine samples or other body tissues and fluids. If a worker refuses or fails to take a test, that worker may be in contravention of the Act and may be committing an offence.

If any worker is caught with drugs on their person after this bill is passed, they should be subject to the full force of the law. Great sanctions should be levied against any of the safety workers who are caught with drugs in their system. These drug-testing procedures and other measures outlined in the legislation are important in ensuring the safety of our rail network for workers and passengers. Uniform laws across legislation in this sector are a positive move. We want our freight delivered safely and we want passengers to get to their destinations safely on a rail network that is efficient and well maintained. This side of the House does not oppose this bill.

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport) [5.47 p.m.], in reply: I am pleased to speak in reply to the Rail Safety (Adoption of National Law) Bill 2012. I extend my gratitude to and acknowledge the support of members from all sides of politics for this important piece of legislation. I especially acknowledge the contributions made by the member for Keira, the member for Londonderry, the member for Blue Mountains, the member for Fairfield, and the member for Cabramatta. These members, along with all of us in this place, feel the utmost priority when it comes to rail safety. Safety is a key priority for this Government. Bringing forward this bill, it gives us an opportunity to reiterate that safety must and will always be a priority for our transport services on a daily, monthly and yearly basis. In summary, this bill enables national reforms relating to safety to apply in New South Wales

The bill also sets out the subsequent changes to New South Wales agencies to ensure the clarity of roles and responsibilities for safety regulation. It enables the decision of the Council of Australian Governments [COAG] to establish a single national rail safety regulator to be introduced in New South Wales to streamline rail safety across Australia whilst ensuring the current standards that apply to rail safety in New South Wales are maintained and strengthened. I especially focus on this point because by introducing these important reforms to improve the efficiency and productivity of the rail industry, the New South Wales Government is maintaining its commitment to ensuring rail safety standards in New South Wales are maintained and strengthened. That is why the current arrangements for drug and alcohol testing for rail safety workers will be maintained. That is why shift limits and mandatory break periods for train drivers to address fatigue will be retained in the national regulations which will be introduced in January 2013.

When I discussed these issues with my colleagues and the Federal Minister for Infrastructure and Transport I made it clear that New South Wales would retain its strict requirements relating to fatigue management and drug and alcohol testing. I am pleased to say that that has occurred. The member for Keira raised that issue and I assure him and all other members that the Government made the point at the national level that New South Wales would retain those very strict and important arrangements for fatigue management and drug and alcohol testing. As previously stated, the Independent Transport Safety Regulator will deliver rail safety regulation under the Rail Safety National Law through a service level agreement with the national regulator in New South Wales. This approach will ensure that adequate local resources remain in place while still delivering the benefits and consistency that the national laws are designed to achieve.

Members mentioned the recommendations in the Waterfall report. Obviously the Government takes those recommendations very seriously. It is a matter of public record that an update is issued every quarter and the Government is continually monitored on its progress. Members also mentioned the arrangements that will apply in New South Wales following the passage of this legislation in other jurisdictions. While this legislation was being drafted I had an independent safety expert oversight the process to ensure that no area or additional provisions required in New South Wales were overlooked. I am pleased that the independent expert supports the detail that the Government has included in this bill.

This bill is an example of how the New South Wales Government is working with other jurisdictions and the Commonwealth Government to cut red tape and to deliver positive outcomes for the rail industry while

maintaining the State's high safety standards, especially as they relate to fatigue management, and drug and alcohol testing. I am very pleased as Minister for Transport to assure the community of those high standards and also that New South Wales will now be a party to a national regulatory framework that will ensure consistency in rail regulation across all jurisdictions. I again thank all members who contributed to this important debate. I commend the 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.

Third Reading

Motion by Ms Gladys Berejiklian 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.

LOCAL GOVERNMENT AMENDMENT (CONDUCT) BILL 2012

Second Reading

Debate resumed from 18 October 2012.

Mr RON HOENIG (Heffron) [5.52 p.m.]: I have the honour of leading for the Opposition in debate on the Local Government Amendment (Conduct) Bill 2012. The Opposition does not oppose the bill and its objects, but it does reserve its position when it is considered in the other place. The objects of the legislation are good. It is an attempt to repair a mess created in the code of conduct provisions as a result of a variety of amendments.

Mr Gareth Ward: Introduced by your Labor Government.

Mr RON HOENIG: That is true. The member for Kiama knows about the do-gooders in Nowra who fill out pieces of paper and never see an angry man who think that they can write codes of conduct and policies that affect elected representatives. As a result of naivety we now have a shambles in the administration of the codes of conduct and the rules relating to councillors' behaviour. When she was Minister for Local Government, the member for Auburn ordered a review that the current Minister has continued, and he should be commended for so doing. I do not understand the urgency in respect of this legislation. Given that eight local government reviews are being undertaken examining structural issues, amalgamation of councils and so on, why are we rushing through this legislation? The Opposition does not understand that, particularly given the objects of the legislation are good. It is the implementation of the legislation that may cause concern throughout the local government sector. The code of conduct that is the subject of review has not been made available to the Opposition and consequently we do not know what underpins it.

The obligations imposed upon democratically elected councillors by virtue of the code of conduct provisions and other legislative instruments are far more stringent than those that apply to members of this House or the other place. There seems to be a complete lack of understanding that councillors are not much more than volunteer servants of their local communities. To impose upon them the complexities contained in a variety of documents misunderstands their position and role. I know about the complexity of the code of conduct provisions applying to members of this House. I invite members to look at the provisions of the code of conduct that apply to councillors. One would have to be more than a senior counsel to be able to follow them, but we expect part-timers or volunteers to have them acutely to the forefront of their mind.

The people who wrote the shambles that is the current code of conduct drafted nonsense, and I will give members an example of that nonsense. I ask members to consider a religious person who is committed to a church and who attends services every Sunday morning without fail. The priest says to the parishioner, "Councillor, can you look at the pedestrian crossing out the front? It is causing problems." If that councillor

raises that traffic problem outside his church at the next council meeting, because of that close affiliation he could be said to have a non-pecuniary conflict of interest. If members think that is ridiculous, I can provide another example. If the church to which that councillor is committed lodges a development application relating to a piece of land on the other side of his council area, would he have a conflict of interest? Could it be said that he had not fairly considered an application because he is committed to that church and has a close affiliation with it?

Alternatively, the affiliation could be with a sporting group. Would any such affiliation render a councillor ineligible to make any decision affecting that group? Would a close affiliation with the local parents and citizens association render him ineligible to make decisions that affect the safety of schoolchildren outside the local school? It would, because that person would be in breach of the code of conduct. The whole purpose of local government is to bring into councils people from different parts of the community who represent a variety of interests and have knowledge of community affairs at that level. We are saying that someone who has knowledge of what is involved in their community cannot make a decision or raise an issue in relation to that community because it would be a conflict of interest.

The Government should not forget that councils are the third tier of government answerable to the people. It is not only members of Parliament who sometimes forget or who have forgotten that local government is the level of government that is closest to the people but also the Auditor-General of New South Wales. The whole premise of the New South Wales Auditor-General's performance audit report entitled, "Monitoring local government" is that somehow or other councils should be answerable to somebody other than those who elect them. According to some of his recommendations there should be changes in legislation to subject controls of councils to the Division of Local Government to enable it to give directions on how to manage council finances, or something of that nature.

Nobody elected the Division of Local Government or any other paper-pusher in Nowra. If they want to know how councils operate I wish they would get themselves elected to local government. I do not think the Division of Local Government staff have a good enough understanding of the affairs of local government. The 1993 Local Government Act, a fine piece of legislation, went through this Parliament under the stewardship of the Minister for Local Government, Gerry Peacocke who, in my opinion, did an exceptional job, supported by the shadow Minister for Local Government, Ernie Page. At that time there was considerable discussion about the role of the mayor and what should be contained in the Act. Gary Payne, the then director general, and his department knew better than others how to handle councils.

When Tweed Shire Council was sacked Gary Payne was appointed administrator. As soon as he walked into the place as the chief administrator and gave an instruction to the general manager he was told, "Don't you worry about it, Gary. You just worry about the policy. I'll keep running the place". The next shock Gary got was when he held a council planning committee and he had to deal with raucous people in the public gallery who were screaming about development applications before council. Gary asked me how I dealt with a raucous gallery and general managers who refused to follow instructions from an administrator. I said, "Gary, you and your people wrote the Local Government Act. You told me you knew all about councils, but that was only until you had to manage them".

Members may remember that when Gary Payne ceased to be the administrator at Tweed he became the administrator of Port Macquarie. At that time I asked him, "How are you going with the council's planning committee? How are you handling the noisy public?" He told me he had delegated the decisions on development applications because they were too hard for him. Gary Payne is probably one of those consummate Sir Humphrey civil servants who serves and protects the Government and Minister of the day, including the current Government. Consequently he is a man that both the Coalition and the Australian Labor Party have considerable respect for. He shepherded the Local Government Act through this Parliament with his considerable knowledge of local government, but as soon as he became a practitioner in the position of an administrator he got the shock of his life.

I think all staff of the Division of Local Government who write policy documents should be seconded to a council. Each council should have an extra position available so that bureaucrats can spend six months on council learning what is involved. All members of Parliament know what it is like to deal with angry communities, but councillors cannot get away from them. It is important to understand that councillors are democratically elected people and are answerable to the people for their decisions. If we treat local government as the third tier of government and we recognise that in the New South Wales Constitution then it is not consistent to set up a legislative regime that empowers bureaucrats to give councillors directions, impose codes

of conduct that no human being can possibly follow and then use complaints as a mechanism for judging them. They are not complaints vis-à-vis the total population of the council area; they are individual complaints for a variety of reasons.

If one were to judge an elected administration on the basis of complaints then one would judge the O'Farrell Government on the number of complaints in relation to cuts to education funding. Members of the Government believe that is ridiculous, but that is the very measure used by the Auditor-General and the Division of Local Government on whether a council is a problem. Every time a councillor makes a decision somebody is upset. Consequently, the same people who have formulated an attempt to repair a particular legislative nightmare have created another legislative nightmare. The complaint mechanism in the code of conduct must be examined carefully.

The legislation seeks to extend the power of the director general to suspend and refer to the pecuniary interest tribunal. I venture to suggest that as a matter of public policy no democratically elected person should be either suspended or removed without the order of a judicial officer. This House should not impose upon the Director General of the Division of Local Government the power to interfere with the democratic process. There is a director general, a divisional head of the Department of Premier and Cabinet, a Minister for Local Government and a Premier; he is hardly seen to be an independent person. In the past, governments and Ministers of the day have issued directions to a director general to make decisions. If the democratic process is to be interfered with it should be through a judicial officer, and that is not unique.

In the Local Government Act 1919 a breach of pecuniary interest required a prosecution before a magistrate, and on conviction by a magistrate the councillor was disqualified from civic office unless the magistrate determined otherwise, with a right of appeal to the District Court. It would suffice if the head of the pecuniary interests and remunerations tribunal were a retired judicial officer. However, that should be the only mechanism to enable the removal of democratically elected councillors, with a right of appeal to a District Court judge. If not, councillors will be treated with contempt; not with the democratic respect they deserve.

Section 439 of the Local Government Act states "every councillor ... must act honestly and exercise a reasonable degree of care and diligence". That wording also appears in the code of conduct. But why does it appear in the code of conduct if there is a statutory obligation somewhere else? The Crimes Act, for instance, contains provisions to deal with someone who does not act honestly. Is that wording meant to be all encompassing? If so, then one should go to the Ten Commandments from 3,500 years ago that say "though shall not steal". Perhaps one should also include "though shall not kill" or "though shall not commit adultery". Why not put them all in? It makes as much sense to include some of the Ten Commandments in the code of conduct as to start with the wording "must act honestly". In fact, in the rewritten draft code of conduct circulated in May some of these definitions were broadened, not narrowed.

At this stage I declare an interest in the democracy of this State. It is my fundamental view that local government should operate in the same way as the other tiers of government operate in this country—it should effectively be a two-party system. That would create far more stability than the current system—I do not mind those opposite having seven as long as I have eight. I would have thought those opposite had learnt from the Premier that 51 per cent of the vote is 100 per cent of the say and the rest is an inflated backbench. I am sure they pay a lot of attention to the member for Drummoyne. It was slipped into the draft code of practice that councillors should not participate in binding caucus votes. Imagine telling a group of councillors that they should not consult each other about a decision they propose to make. Paragraph 3.10 of the draft code of practice states:

For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors establish a predetermined position on a matter before the council by way of a vote or other means that has the effect of compelling members of the group to vote on that matter in accordance with that position regardless of the merits of the matter or any personal views members of the group may have on the matter.

Similarly, imagine telling the councillors of the 152 councils in this State that they could not discuss who was to be elected mayor.

Mr John Sidoti: It is only coincidence.

Mr RON HOENIG: It is only coincidence. For example, imagine the seven justices of the High Court of Australia listening to an important appeal in our transparent and open court system and when their judgments were handed down they were all the same—sometimes the High Court gives judgements that are 4:3 or 5:2. Do

those opposite really believe that those judges would not have had a chat off the bench or that one judge may not have given a copy of his or her judgement to another? Do those opposite not consider when the two highest courts in this State—the Court of Appeal and the Court of Criminal Appeal—give joint judgements that the judges of each court have had a chat in reaching that decision?

Mr Paul Lynch: Fewer minorities now.

Mr RON HOENIG: Exactly. What is it called when the judges of the Court of Appeal come off the bench and have a chat in the anteroom about whether or not they agree on a particular view? Is that a caucus? Perhaps the Charter of Justice in New South Wales needs to be amended to prohibit judges from consulting each other about their judgement when they have heard a particular case. The same principle should also apply to members of Parliament. Perhaps a law should be introduced by the member for Drummoyne to make it an offence for members of this House to caucus? We could also make it an offence for executive members of Government to hold Cabinet meetings. That is not contained in the Constitution. Should executive members of government not meet as a group to establish a predetermined matter by way of a vote or other means that has the effect of compelling members of the group on that matter in accordance with that position regardless of the merits of the matter or his or her personal view? Those opposite want to impose this nonsense on local government, which they consider to be some form of evil.

This Parliament has created, by constant fiddling with a fine piece of legislation, a regulatory regime that makes it impossible for councillors. It is time that all members and the Division of Local Government bureaucracy understood that councils, as democratically elected third tiers of government, should be free to manage their affairs in a transparent and open way. It is wrong that a model code of conduct be imposed on councils by regulatory or statutory means that makes it impossible for a councillor on a day-to-day basis. We are all desperate to see ratbag councillors contained. We are all desperate to get rid of the serial complainants that cause councils to spend huge amounts of money dealing with code of conduct complaints.

I can remember a couple of years ago a councillor on Albury council who had commented about ignoring a complaint from a serial pest in debate being the subject of a code of conduct complaint. The council spent \$30,000 on getting an independent person to look into the matter, which was dismissed. Then someone complained to the Ombudsman and it was recommended that the matter be reconsidered. That cost the council even more money. Basically a vehicle has been created to enable the ratbags, the disaffected, the minority councillors to distract the attention of the other councillors and this vehicle has cost councils huge amounts of money. For instance, I can also remember a debacle where a South Coast council, acting on legal advice, spent more than \$100,000 dealing with a code of conduct complaint. The objects of the bill, which seek to address a problem that was created in the first place, are fine but not the way to deal with the issue.

Another point—and I note that this is contained in the Auditor-General's Report—is that there is a comparison between councils in other States around the Commonwealth of Australia. The way councils operate in individual States is historical. Most States do not have compulsory voting in councils, and they have completely different systems. For example, Queensland has compulsory voting, all the councillors are full time and they have their own staff and things of that nature. Effectively, they are professional politicians in councils no bigger than some metropolitan councils in New South Wales. I do not advocate that position. Councils in Victoria—I think one of the reviews will make a recommendation relating to this—are large and have single-ward constituencies. I seem to have the only one in New South Wales. Councils in Victoria are larger.

The Government will be faced with this recommendation. Councils in Victoria have wards of 40,000 and 50,000 people, and they have single councillors in those wards at a compulsory ballot. I venture to say that over time they will be a threat to State members of Parliament, who will be unhappy with that system. Then we have the system in New South Wales. In making such comparisons we are not comparing apples with apples. At the end of the day there is no rush for this particular legislation. The Government engaged in a consultation process two months before a local government election, and there would hardly be a councillor who would give careful consideration to something on which the Government is consulting.

Consequently I suggest that the Government carefully consider the mechanics of implementing legislation of this nature. No-one wants a ratbag councillor interfering and distracting the attention of councils and nobody likes to deal with vocal people representing minorities in council areas. However, using a blunt instrument and empowering bureaucrats in the Division of Local Government is not the way to deal with councillors of that nature and it is not the way to dismiss perhaps genuine complaints that are made about council behaviour.

Mr CHRIS PATTERSON (Camden) [6.22 p.m.]: I support the Local Government Amendment (Conduct) Bill 2012. As a former councillor of 12 years and mayor of five years for the Camden local government area I can honestly say that I understand the value and work that local government contributes to our community. I also understand the time and effort that the majority of local councillors give to their community. On the whole, these elected representatives do a tremendous job. They give so much of their time and that of their family, and often do it with little or no thanks. For brevity I will pick up only one or two comments of the member for Heffron. Initially he expressed concern about conflicts if councillors are associated with sporting groups, et cetera. In my limited experience I thought that a councillor with a conflict could declare that conflict and still be involved in the decision-making process. Only those councillors who are on the executive of a sporting group would have a pecuniary interest, in which case they would have to leave the chamber. Another point is that if the member for Heffron finds a priest who has traffic problems on a Sunday it is a bit like the doctor analogy.

Mr Ron Hoenig: You won't have it in a synagogue on Saturday.

Mr CHRIS PATTERSON: No. If the doctor tells the patient they drink too much the patient changes their doctor. In this instance the member for Heffron should probably change his church. The State Government must do everything to support the great work of locally elected representatives. The introduction of the bill will go a long way to ensuring that the code operates as it was intended. The ethical standards that we expect from our elected representatives, officials who work in local government and administrators who deal with local government can now be dealt with by a robust framework for the regulation of the conduct of council officials.

The Coalition Government knows that local government contributes a great deal to our local communities and recognises the important need to work together on an equal footing with the obvious protections in place, of which this bill is an example. We do not believe that State and local government should be of a master and servant nature, as has always been the case with previous Labor governments. Concerns were previously raised that the code was not working as originally intended. When this happens it is important that these concerns are heard, and in response the Division of Local Government undertook a comprehensive review of the model code of conduct and the provisions for misbehaviour in the Local Government Act 1993.

I thank the local government sector and other key stakeholders for their input and consultation in the review process and for ultimately contributing to this bill. I acknowledge the Minister for Local Government once again for demonstrating his knowledge of how local government works and implementing an open, transparent and inclusive process that ensures that the bill makes the necessary changes and will not be the current toothless tiger that it is perceived at times to be. During the review process it was identified that the four major concerns of the model code of conduct were the ineffectiveness of the penalties that apply currently to breaches, the use, or rather the misuse, of the code to make vexatious or politically motivated complaints that have a impact on the effective running of councils, a council's exposure to legal action arising from poorly managed investigations and the lack of clarity of the current prescribed procedural requirements, and the size and quality of the pool of qualified independent conduct reviewers available to councils in rural areas to investigate complaints.

It is clear from the review process that councils want a stronger code of conduct. It is encouraging and refreshing that some councils have made it known that they want more efficient and effective procedures for dealing with complaints and stronger sanctions that will deter unacceptable behaviour by council officials. This bill proposes to amend the Act to provide a more robust framework for the regulation of the conduct of council officials. This bill will tighten the model code of conduct for council officials and prevent the misuse of the code. There will be new procedures for the administration of the code of conduct that will be simpler and more cost-effective, enable the Division of Local Government to investigate serious repeated breaches of the code, and give the chief executive of the division and the Pecuniary Interest and Disciplinary Tribunal the power to take disciplinary action in relation to those serious breaches.

As should have always been the case, complaints will now be managed from start to finish by an independent conduct reviewer, removing the roles of the general manager and mayor of the council. There will be a clearer picture as to how complaints will be managed and the procedural fairness requirements so as to reduce conflicts of interests and the associated costs. With this bill there will now be prescribed time frames for key steps to minimise any possible delays. There will now be options for an informal resolution that will allow associated costs to be greatly reduced and matters will be dealt with outside the public domain for reasons such as to avoid possible escalation. This bill will also make minor changes in relation to banning sanctions for

councillors who do not abide by a caucus ruling before council votes, disclosures of donations, loss of quorum, councillors and their family members being able to receive gifts only of token value, relationships between councillors and staff, and the use of council resources.

Councillors who think they can use their position to gain a private benefit, whether financial or otherwise, will be on notice that they are banned from doing so. This bill provides for a more efficient and effective code of conduct when it comes to investigating misbehaviour of a council official. The onus will be to come to an informal resolution of non-serious matters, and the bill allows for more options to do so. The bill provides stronger penalties to deter misbehaviour, with the Director General of Local Government now being able to consider the past behaviour of a councillor when deciding on sanctions. Councillor suspensions will be extended from one to three months, and the Pecuniary Interest Tribunal will be able to disqualify a councillor for up to five years for misbehaviour matters as well as a breach of pecuniary interest provisions. The bill will ensure that the management of complaints is fair.

The review—and the bill as an outcome of that consultation process—has been an opportunity for the whole government division and other stakeholders to think about a realistic approach, and to rely on and use their experience, knowledge and views on a new standard that should be set for a model code of conduct. The review process was a great opportunity for the division and anyone else, or any other body, to use common sense and apply it to the code of conduct. This bill is proactive in setting a standard for councillors to adhere to and stronger penalties when that is not done. I commend the bill to the House.

ACTING-SPEAKER (Mr Gareth Ward): Before calling the next speaker, I make two observations that were referred to in the Speakers Panel meeting that was held last night. When a member is speaking it is disorderly for the member sitting on the backbench directly behind the member with the call to continue to chatter. It is very off-putting. I ask members, particularly those on the Government side of the House, who wish to have private conversations to do so outside the Chamber.

Mr Mark Coure: Hear, hear.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Oatley to order. When members are seeking the call, members of the Speakers Panel would appreciate it if members would stand in their places and seek the call, and not simply stand and move immediately to the dispatch box.

Mr JAMIE PARKER (Balmain) [6.32 p.m.]: I speak on the Local Government Amendment (Conduct) Bill 2012. As highlighted by several members of the House, the issue of the code of conduct and the role of local government has been perilous. I was elected to Leichhardt council in 1999 and I proudly served as mayor of that fantastic community for several years. It is clear that there are too many petty complaints being dealt with under the code of conduct. Internal political divisions are being played out through the code of conduct review. As we have heard, it comes at a huge cost to ratepayers. If you want to have a shot at an opponent you lodge a code of conduct complaint, you get a hit in the local paper, and there will be a huge and costly process in order to resolve it. We welcome and support the Government seeking to rationalise and improve the complaints process by giving power to the director general to address certain complaints. But with that power—that famous line—comes great responsibility because it is an unelected bureaucrat who is determining the future of elected representatives, and that needs to be dealt with very cautiously.

Because of time I will not go through each of the particulars of the bill. I think several of those have been raised and, considering the late hours we will sit tonight, it is reasonable that we take them as given. But I do want to address the disciplinary action area which is provided for in the new section 440L, where the director general finds misconduct and disciplinary action is warranted. Actions that can be taken include a reprimand, counselling, or an order directing the councillor to stop the misconduct or apologise, do training or undertake mediation. More serious penalties include suspending the councillor for three months or suspending their pay for three months—the meagre pay that is available. Decisions to impose the last forms of disciplinary action and statements as to why those steps were taken are to be made publicly available.

I am a member of The Greens, and we are often a minority group in local government. We are seen as a nuisance, annoying, complaining or causing difficulties for the two-party consensus that often exists in local councils. But having people with different perspectives is absolutely critical. I felt that when I was mayor. It means you have people that keep you on your toes. You have different points of view that broadly reflect the community. These serious penalties would more often than not be applied against groups that are in the minority and, compared with the Labor, Liberal and National parties, I suspect that The Greens would be in

that minority position far more times. We believe that this must be cautiously applied and these more serious penalties should only occur in very limited circumstances. In a submission to the code of conduct review in January we said:

53. In considering any amendments allowing for greater opportunities for the Department to take disciplinary action against a Councillor it must be remembered that a Councillor is a publicly elected official—

that is a very important philosophical point—

and should not be, ordinarily, subject to dismissal by an unelected bureaucrat.

That is a critical point that this Parliament is seeking to allow: an unelected, unaccountable bureaucrat will be able to effectively silence an elected representative. That is a very important step. On that basis we also highlighted:

54. It is of particular concern that the Department is seeking amendments to section 440L so that disciplinary action could be taken against a councillor simply on the grounds that the councillor's behaviour has involved one or more incidents of misbehaviour. This expanded power must be limited to cases where the misbehaviour is serious and the incidents of a similar or substantially similar nature.

It can be seen that, while we are not opposed philosophically or in principle to that element, it should not be used in a vexatious way and it should not be used in a way to silence opposition. It should be used as it was intended, and for what I think citizens would believe it was intended, that is, serious misconduct. I should also highlight that an issue was raised by the United Services Union, the USU, in relation to disciplinary action by the director general under section 440K and section 440J, which I will talk to in a moment, but it is important to remember because in June 2012 we made it clear—and I made it clear—that we believed that any disciplinary action as serious and political as suspending a councillor from civic office should only be possible in exceptional circumstances.

I would like the Minister—and I understand the time pressures, but either in this place or in the upper House—to address that. It should only be possible in exceptional circumstances; otherwise this will likely be used as a political weapon by controlling interests on councils, and potentially State governments. The amendments to the Local Government Act should stipulate that a councillor can only be suspended following a recommendation from the Pecuniary Interest Tribunal after a full and open hearing. The approach I am taking is to protect different and diverse voices, and ensure that the code of conduct is not misused. I am sure that many members on both sides who have been involved in local government will know that those codes of conduct have been misused.

Moving briefly to the issue raised by the United Services Union, this goes to how the members that it represents can be protected against self-incrimination. There was a proposal to insert an amendment to this bill. I understand that The Greens in the other place will be considering that, but I also understand that the Minister has been in communication with the United Services Union and the union believes that there is a resolution. I encourage a resolution. The union is an important organisation representing members in local government and it is important that we make sure that those members are protected. If there are opportunities to protect them against self-incrimination, in particular, the Government should do all it can to resolve that. I acknowledge the work of the Minister in that area, and I am sure The Greens and others in the upper House will take that into consideration.

Finally, The Greens support strengthening the code of conduct. We recognise that the regulations will look at the model code. I encourage the Government to listen to local government and not be patronising but recognise that this sphere of government is incredibly important to the people it represents. Local government is not some lower-class level of representation but a dynamic, effective and incredibly open form of government. I am sure that many members on all sides who have been involved in local government will think that sometimes it performs much better than the State Government.

Mr Ron Hoenig: Hear, hear.

Mr JAMIE PARKER: I hear a few members say, "Hear! Hear!" It is important to proceed carefully and the Minister must ensure that any opportunity for an unelected bureaucrat who is not accountable to the people to dismiss elected representatives is minimised and occurs only in exceptional cases. I appreciate the fact that the Minister and his department have done a lot of work on this legislation. It has been a nightmare to deal

with. It has been incredibly costly, difficult and challenging for many people. I acknowledge the work of the staff in the department and in the Minister's office who have helped in trying to make this legislation better, but we need to make sure we have as many safeguards as possible.

Mr BART BASSETT (Londonderry) [6.40 p.m.]: I support the Local Government Amendment (Conduct) Bill 2012. I support a lot of what the member for Balmain and the member for Heffron said about local government. It is the third tier of government and a very important part of the system as it is the level of government closest to the people. There has been considerable cost shifting to local government over many years by both State and Federal governments. There is a need for local government to be professional, transparent and accountable. The Local Government Amendment (Conduct) Bill 2012 came about because the existing system for dealing with code of conduct complaints was not robust enough and was certainly open to abuse.

I served in local government on Hawkesbury City Council for 8½ years, including six years as mayor and one year as deputy mayor. The council's only employee under the Local Government Act 1993 is the general manager. This is designed to separate policy, strategic planning and oversight from operational issues, which are the responsibility of the general manager. The current system for dealing with code of conduct complaints requires the general manager to arbitrate on complaints lodged and the mayor to deal with complaints against the general manager. This is not open and transparent as there could be perceptions that the general manager is favouring one councillor or employee over another and it places the mayor in an extremely difficult position in making judgements about the general manager. This puts major strains on the working relationship between the general manager and his or her council and does not instil confidence in the framework from the public's viewpoint.

As mayor, I have witnessed and had to handle many complaints that were vexatious and motivated by political interests. One case that is worth mentioning involved a complaint made against a sitting councillor by a political rival that cost the local government area—the Hawkesbury ratepayers—close to \$10,000 to investigate, only to find that there was no breach. The complaint was very general and vague in nature and the sole accusation was that the councillor in question did not act in accordance with the views of the community on a particular issue. More importantly, the councillor in question did not vote in line with the individual views of the person who had lodged the complaint.

The complainant was, and remains, a member of the Labor Party and the president of a local politically motivated community action group, Mr Michael Want. He wasted ratepayers' money. This gentleman has had a career as a paid union official. A union is an organisation that knows how to abuse the system, and he was taught by the union movement how to do just that. Whilst the State was controlled by the Labor Party he made no move to raise matters and made no comment—nothing. But when the Liberal Party came to power Mr Want found everything to complain about. There were no allegations of corruption or bullying of individuals and his complaint did not list any key areas of the code of conduct that the councillor had breached. It was purely and simply politically motivated.

The bill will establish a more robust and comprehensive framework for dealing with complaints. The Government has been engaging with local government over a number of needed reforms and last year announced a review of the process. As part of the review all councils across New South Wales were asked for submissions. Following receipt of the submissions the Division of Local Government issued a discussion paper with suggested amendments and asked local government for further comment. The bill before us is the result of extensive consultation with local government, the Independent Commission Against Corruption and the Ombudsman. This follows years and years of meetings with local government and previous Ministers for Local Government about abuse of the code. Nothing was done. Now this Government is cleaning it up.

I note that the member for Heffron talked about allowing councillors to meet, discuss and form an opinion about particular matters before council. I certainly support him in that view. Of course it is natural for councillors to get together and discuss matters. As a Liberal councillor in the Hawkesbury area I accepted that when I attended the Western Sydney Regional Organisation of Councils the caucusing had taken place and decisions had been made. Blacktown City Council was renowned for decisions having been made in caucus by Labor councillors. The same thing happened at Penrith City Council when Labor was in control. Neither council is controlled by Labor now; they are both controlled by Liberals and Independents working with us. Back then I accepted that as the norm, but not Labor Party councillors in the Hawkesbury area or Independent Liberals such as Councillor Paine, The Greens Councillor Williams and Labor Councillor Calvert. They are quick to point the finger at Hawkesbury Liberal councillors who talk with each other about issues to make the council function properly.

When it comes to issues of caucusing I have made it very clear in discussions with the Minister that nobody on the council was ever forced to vote in a particular way. It was very clear that we would have a discussion and people could vote however they wanted when they went into the council meeting. I reinforce that that is what should happen, but it is fair to say—and the changes to the legislation reflect this—that binding caucus votes will be allowed for mayor, deputy mayor and council committees, and so they should be. The Government has acted to address concerns about the role of the mayor and the general manager. Complaints will be managed from start to finish by an independent conduct reviewer.

Provisions in the bill will improve the process of managing complaints and procedural fairness requirements to lessen conflict of interest and reduce costs through greater flexibility, simplicity and clarity. There will be prescribed time frames for certain key steps to minimise delay. There will be improved efficiency and effectiveness of investigations of councillors' behaviour by the Division of Local Government through stronger evidence gathering and powers to investigate issues. I assure the House that if I thought the department was acting inappropriately I would be the first one to raise it with the Minister, because I do not think the bureaucracy should have the right to intervene unless the issues are very serious. When such serious issues arise the department should of course intervene and that is what the code should be used for, not frivolous complaints.

The bill will strengthen the penalties to deter misconduct, in particular by allowing the consideration of previous incidents of misconduct and giving greater powers to the Director General of the Department of Premier and Cabinet to act on alleged breaches of the code of conduct and misbehaviour. It is time that political manipulation of the code ceased and that penalties were introduced for vexatious complaints. I will be looking closely at all future complaints under the new code to make sure that vexatious complaints cease and an abuse of the code does not occur. If the situation does not improve I will certainly raise the issue with the Minister again. I am confident that this legislation will make a change. I hope all councillors, no matter what their political persuasion, move away from the idea of getting members of the public to lodge complaints and stop wasting ratepayers' money. This is a good bill, and I commend it to the House.

Mr NICK LALICH (Cabramatta) [6.48 p.m.]: The object of the Local Government Amendment (Conduct) Bill 2012 is to amend the Local Government Act 1993 as follows:

- (a) to authorise the Director-General of the Department of Premier and Cabinet ... to conduct an investigation to determine whether a councillor has engaged in misconduct and to enable the Director-General to require a councillor or a council staff member, delegate or administrator to provide information or documents for the purpose of such an investigation,
- (b) to enable the Director-General to take a range of disciplinary action against a councillor found to have engaged in misconduct, including counselling or reprimanding the councillor, issuing an order directing the councillor to apologise for the misconduct or to participate in training or mediation, and suspending the councillor, or the councillor's right to be paid, for up to three months,

I know that some councillors on my council were asked to attend mediation or undergo retraining and on a couple of occasions that did not happen. We kept asking the general manager what had happened but they never did the retraining and the general manager had to let the matter go because the Department of Local Government said, "It's up to you guys to enforce it". But how can you enforce it if the person does not show up? I think this legislation will go a long way to correcting that situation. I hope this legislation is binding and that failure to comply will result in penalties. I understand there will be a complete overhaul of the Local Government Act and that the legislation will be amended to achieve that outcome.

I turn now to discuss the conduct of members of the public gallery who attend local council meetings. In this House members of the general public are not allowed to speak or jeer at the Presiding Officers or at a member who is making a speech. During the 2011 State election campaign my Liberal opponent attended meetings of Fairfield City Council and attacked me over State issues from the public gallery. There was very little that I could do about State issues. We tried on many occasions to remove that group. On one occasion when we were successful they reported to the press that I was a dictator and the Führer of the council. I was a member of the council for 25 years, and for the first 22 years there was never a skerrick of a suggestion that I was corrupt or in any way doing the wrong thing.

But as soon as candidates for opposing parties were announced for the 2011 State election they did nothing but malign me. They said I was corrupt, a crook and a cheat, but never offered any proof. Their accusations were published in the newspaper, but fortunately the mudslinging was unsuccessful. I won both elections, defeating the Liberal candidate both times. I also know that she was defeated in preselections for the Liberal Party in other areas. The current Minister was instrumental in changing the Local Government Act in 1993 to ensure that aldermen would be known as councillors, which is fitting. I congratulate the Minister for

Local Government on introducing this legislation but I hope he takes the amendments a little further to prevent people in a council's public gallery from attacking a mayor or councillors when they speak and from calling them names.

I recall an occasion when there was just about an all-out brawl in the council chambers because a certain group did not like the proposal and did not like how the vote was likely to go to determine the matter. When a very large person came up to the main table and thumped his hand down in protest, some councillors almost jumped out of their chairs. The police had to be called to remove the members of the public from the chamber. Councils deal with some very emotional issues and the law has to be strong enough to protect councillors. Members of this House make sure we are protected in this Chamber and we should extend the same respect to our colleagues on local councils. The objects of the bill also state the following purposes for which the bill will amend the Local Government Act 1993:

- (c) to enable a decision by the Director-General to take disciplinary action to be made public,
- (d) to provide that a failure by a councillor to comply with an order issued by the Director-General in relation to an investigation or as part of disciplinary action constitutes misconduct by the councillor,
- (e) to enable the Local Government Pecuniary Interest and Disciplinary Tribunal (the **Tribunal**) to disqualify a councillor found to have engaged in misconduct from holding civic office for up to 5 years,
- (f) to require administrators of councils to comply with the code of conduct applicable to councillors and to enable the Director-General to investigate allegations of misconduct by administrators,
- (g) to enable the Director-General to investigate allegations of misconduct by former councillors and to refer such matters to the Tribunal for consideration and to make it clear that the Tribunal has power to deal with matters relating to former councillors—

Many councillors who leave a council feel that their departure confers some type of immunity on them against review of their conduct. It is great that this legislation will enable the misconduct of some former councillors to be examined. The objects of the bill go on to state:

- (h) to provide that the regulations may prescribe a procedure for administering the code of conduct and dealing with alleged contraventions of the code (which will be mandatory for councillors, members of staff, delegates of a council and administrators of a council),
- (i) to enable council meetings at which allegations of misconduct by councillors are discussed to be closed to the public,
- (j) to make other minor miscellaneous amendments.

All ratepayers in all council areas expect the best from their elected councillors, just as taxpayers expect only the best from members of this House. Since the days when councillors were known as aldermen people elected to a council have had a duty similar to that of members of this Chamber: to execute their roles to the best of their ability with honesty, respect and integrity. I have been an elected councillor for longer than most other members of this House who have served on councils. I was elected as a councillor in 1987 and served for 25 years. I spent 11 of those 25 years as the Mayor of Fairfield City so I regard myself as being well placed to speak about transparency and good conduct in relation to elected councillors.

This legislation also relates to staff conduct. Over the years a few cases of misconduct have received widespread publicity in the media. One that comes readily to mind concerns a council inspector who was receiving services of a sexual nature. That behaviour is obviously in direct contravention of what is expected of a council employee who is being paid to execute their duties. This legislation will give increased power to the Division of Local Government to allow for the exercise of more oversight, when necessary, and public scrutiny. A model code of conduct is put forward for councils to adopt. However, no mention is made of whether councillors who are under investigation can caucus prior to meetings. Winning a place on a local council demands that respect be paid by the elected representative to the community and to the voters who elected them.

I am sure the vast majority of councillors on both sides of politics know and understand that. However, a model code of conduct should be mandatory to ensure that honesty and integrity as well as respect for the community are upheld at all times. This legislation will confer on the Division of Local Government power to investigate serious and/or repeated breaches of conduct. It also will provide the director general and the Local Government Pecuniary Interest and Disciplinary Tribunal with the power to take action. It is expected that the legislation will also assist in reducing costs of the Division of Local Government in its investigation of misconduct by councillors. One of the barriers to taking action against a councillor who repeatedly breaches the code of conduct is cost.

At many general meetings of Fairfield council the council's general manager was asked about the cost of disciplinary action for breaches of the code of conduct. In one year the costs amounted to approximately \$20,000 because it was tit for tat: when a complaint was made of misconduct against a member of one political party a complaint would be made against a member of the other political party. It was a never-ending saga. Eventually we had to be very careful about how the code of conduct was applied and presented to the disciplinary tribunal. I congratulate the Minister for Local Government on taking action to introduce this legislation. I hope that the amended Local Government Act will improve the workings of local government. The Opposition does not oppose the bill.

Mr STEPHEN BROMHEAD (Myall Lakes) [6.57 p.m.]: I support the Local Government Amendment (Conduct) Bill 2012. I commend the Minister for Local Government for introducing the bill. At the outset I will address some of the comments made by the member for Heffron in relation to caucusing. The problem with caucusing is the local government version of it, which degenerates into situations such as occurred in Wollongong with the table of knowledge. All members know what happened around the table of knowledge. During the consultation phase for this legislation a major concern expressed by stakeholders was how to prevent corruption and degeneration of the process towards base dishonesty such as occurred in Wollongong and in other Labor-controlled councils.

The object of the bill is to amend the Local Government Act 1993 to enable the Director General of the Department of Premier and Cabinet to take a range of disciplinary actions, including suspension, against a councillor who is found to have engaged in misconduct, and to enable the Local Government Pecuniary Interest and Disciplinary Tribunal to disqualify a councillor found to have engaged in misconduct from holding civil office for up to five years. The bill has been introduced following requests by councils that sought a stronger code of conduct to set higher standards of behaviour and to deter behaviour that does not meet the standard. Councils have also sought more efficient and effective procedures for dealing with complaints as well as stronger sanctions to deter poor behaviour.

The review involved consultation and collaboration with the local government sector and other key stakeholders, such as the Independent Commission Against Corruption and the NSW Ombudsman. The review process involved a discussion paper that identified the issues, a position paper that outlined a reform proposal, and workshops throughout the State to refine the proposal and to ensure that it was workable. Consultation drafts of the proposed new model code's procedures and legislative changes in the bill were also issued for comment. The bill is a response to the concerns that the code was not operating as intended. The Division of Local Government has undertaken a comprehensive review of the model code and the misbehaviour provisions of the Local Government Act 1993.

The following main concerns were raised during the extensive consultation: the size and quality of the pool of qualified independent conduct reviewers available for councils in rural areas to investigate complaints; councils' exposure to legal action arising from poorly managed investigations and the lack of clarity of the current prescribed procedural requirements; the misuse of the code to make vexatious or politically motivated complaints—which were described by the member for Liverpool and which the bill will address—and the impact this has on the stability and effective functioning of councils; and the ineffectiveness of the penalties that currently apply to breaches.

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

BREAST CANCER

Matter of Public Importance

Mr DAVID ELLIOTT (Baulkham Hills) [7.00 p.m.]: This evening I highlight breast cancer awareness as a matter of public importance. Unfortunately, I am somewhat of an expert in the matter of breast cancer awareness. In 1989 my late grandmother Bethelia was diagnosed with breast cancer and she passed away not long after. Seven years later, in 1996, my now mother-in-law, Laraine, contracted this cursed disease. She fought and won the battle against breast cancer over an intense period. In 2008 my Auntie Sue contracted breast cancer. She courageously battled the cursed disease and has lived to fight another day. This year, as some members of the House will be aware, my wife, Nicole, contracted breast cancer.

In debating, discussing and highlighting cancer in 2012, it is easy for us simply to revert to statistics. Anyone who has worked in medicine and scientific research will know that statistics are an extremely important

part of research. But as we discuss breast cancer awareness this week and highlight the needs of those who are suffering from this cursed disease, we should rely on a single statistic: the number one. One mother will contract breast cancer, one grandmother, one wife, one sister. By highlighting those who suffer, we personalise this cursed disease that, unfortunately, is bringing down the best in our society.

On 4 May this year, at seven o'clock at night, I received a phone call from Nicole who said that she had to go back to the doctor. It was the first indication that something was wrong. Thirteen days later, on 17 May, Nicole was in Norwest Private Hospital having the matter addressed surgically. I pause there and highlight the fact that, if it were not for the first-class treatment provided by the Australian health and medical fraternity, I do not know whether we would have gotten through that time. While discussing breast cancer and the broader issues relating to cancer with the oncologist over the course of those 13 days, it was made clear to me that Nicole and I should be extremely grateful that we live in Australia.

There are many First World nations that do not have the research capabilities or the inclination to address what is, and should be described as, the greatest curse affecting humankind today. Following the surgery Nicole bravely endured a week of what was clearly extreme discomfort. In her very strong manner, she got through that week and then went through four months of chemotherapy. I can advise the House that there is indeed a happy ending to this story. One month ago today Nicole had her last session of chemotherapy. She still suffers a great deal of discomfort but, as I have said to a number of people around this place, I do not have much sympathy for her at the moment because at least her hair will grow back.

I highlight to the Chamber, to the House and to the people of New South Wales that this is an important week. I know everybody in this place has been touched by cancer, and there are many who have been touched particularly by breast cancer. Please remember the worst statistic is one. We will spend time this week contemplating cures for breast cancer but let us remember, as my wife did when she was going through the worst time of her life, that the best thing you can do for a cancer sufferer is simply to pray for them. With hopes for a cure, it is the support of your friends and loved ones that will get you through the ordeal. I commend this matter of public importance to the House.

ACTING-SPEAKER (Ms Sonia Horner): Order! I thank the member for Baulkham Hills for raising this important issue. Members' thoughts are with you and your family, and we are pleased that the outcome is good.

Ms TANIA MIHAILUK (Bankstown) [7.06 p.m.]: I commend the member for Baulkham Hills for bringing the important issue of breast cancer awareness to the House, particularly given the difficult circumstances and the trying period that he and his wife have endured this year. I wish his wife a speedy recovery. Breast cancer is a significant issue for communities throughout New South Wales. It remains the most common cancer among Australian women and a major cause of mortality. October is Breast Cancer Awareness Month. Like many members of this House, I strongly support Pink Ribbon Day and take the opportunity each year to sell Pink Ribbon Day merchandise in my community. I encourage members who are interested in becoming involved to visit the website pinkribbonday.com.au. There are many opportunities for members to help with fundraising for Pink Ribbon Day while working with a variety of community organisations and businesses.

I also take the opportunity to acknowledge the numerous organisations that raise funds throughout the month. A number of community groups and businesses are active in organising a variety of morning teas and events to coordinate fundraising and awareness. Yesterday I had the chance to be involved in the Greek Older Women's Network morning tea at Bankstown. More than 150 women attended the lovely pink ribbon morning tea fundraiser, which was a great success. Bankstown Women's Cancer Support Group is a support group for women who have suffered or are suffering from breast cancer. Last week I joined breast cancer survivor Elaine Crockett to sell Pink Ribbon Day merchandise at Bankstown Centro.

Breast Cancer Awareness Month is also, of course, an opportunity to raise awareness about the prevalence of breast cancer and to encourage women, particularly those most at risk, to undertake breast cancer screening. As members of this House are no doubt aware, older women are most at risk of breast cancer, particularly those falling between the ages of 50 and 60. However, women between the ages of 50 and 75 should attend a breast cancer screening every two years. Having a family history of breast cancer is also a factor, though the majority of breast cancers are non-genetic. Lifestyle factors such as smoking, drinking and carrying excess weight can also increase the chance of developing breast cancer. Overall, one out of every eight Australian women will develop breast cancer at some stage in their lives. Mammogram screening is perhaps the

best known method of detection for breast cancer and has been responsible for a reduction of up to 30 per cent in breast cancer mortality. In cases of positive tests a mammogram is followed by ultrasound and a biopsy if necessary.

There are four major breast cancer organisations in Australia: the McGrath Foundation, the Breast Cancer Network Australia, the National Breast Cancer Foundation and Cancer Australia. The McGrath Foundation is named after the late Jane McGrath, who passed away in 2008 after a long battle with breast cancer. The McGrath Foundation provides funds to pay for breast cancer nurses throughout Australia and also aims to promote breast cancer awareness in younger women. The McGrath Foundation so far has funded 77 breast cancer nurses who between them support some 16,000 Australian families. Their services are provided free of charge. The McGrath Foundation spends 78¢ out of every dollar donated to providing services.

Breast Cancer Network Australia aims to support women diagnosed with breast cancer and their families. The network represents some 73,000 members and 308 member groups—90 per cent of whom have personally experienced breast cancer; the rest have had a personal experience with breast cancer through a family member or a friend. The Breast Cancer Network is most recognisable through its use of the Pink Lady silhouette, which is their official symbol. The Breast Cancer Network provides up-to-date information about breast cancer, treatment of breast cancer and services available to breast cancer sufferers. The National Breast Cancer Foundation aims to raise money for research into the prevention and cure of breast cancer. Since 1994 some \$81 million has been awarded to fund over 300 Australian-based research projects throughout Australia. The National Breast Cancer Foundation aims to achieve zero deaths from breast cancer from 2030. The foundation's website states:

With 37 Australians diagnosed each day and seven losing their battle, there is still much more to do.

Cancer Australia, also known as the Australian Cancer Council, is the peak body that represents, amongst others, the New South Wales Cancer Council. Cancer Australia provides more than \$50 million each year in funds to cancer research. It also provides patient support through State-based cancer councils and undertakes awareness campaigns. With the indulgence of the House I will raise an issue that is of significant importance in my community: the promotion of awareness among non-English speakers. Bankstown has a high proportion of English as a second language people from a large diversity of backgrounds. I draw the House's attention to a great initiative launched recently by the Cancer Council of New South Wales, that is, to make sure its website is displayed in multiple languages in an attempt to make information about cancer more accessible for English as a second language [ESL] people throughout New South Wales.

I congratulate the council on this initiative. Some of the languages include Vietnamese, Arabic, Chinese, Macedonian and Greek, which are all common languages spoken within the Bankstown community. The Cancer Council also undertakes a number of wonderful projects that raise awareness, whether Coping with a Cancer Diagnosis, Understanding Chemotherapy or Early Detection of Breast Cancer or providing a factsheet titled "After a Diagnosis of Breast Cancer", showing what types of services are available. I thank the member for Baulkham Hills for bringing this important issue before the House and commend the motion to the House.

Mrs LESLIE WILLIAMS (Port Macquarie) [7.11 p.m.]: At the outset I congratulate the member for Baulkham Hills for raising this important issue in the House today. I thank him also for sharing with us his personal story and the challenges it has posed for his family. I wish both him and Nicole all the very best for the future. However, I am going to contribute to this debate by providing some fairly sobering statistics. Thankfully my family has not been directly impacted by breast cancer but I hope that by people talking about statistics members of the community—specifically women—will understand why early detection is so important.

As has been mentioned, breast Cancer is the leading cause of cancer in women in New South Wales with one in eleven developing the disease by the age of 75 and one in nine by the age of 85. The high-risk group is women aged 50 to 69, who account for more than 87 per cent of all deaths from breast cancer each year. Breast cancer accounts for 28 per cent of all new cancers in women in New South Wales and 16 per cent of the deaths of women from cancer. Approximately 4,600 women were diagnosed with breast cancer in 2011 and, sadly, of those 921 will die from the disease. However, there are statistics that are promising and reinforce the importance of early detection—and these relate to regular self-examination and screening programs.

Early detection means more treatment options are available and the chance of survival improves dramatically. In the period 2002 to 2006, 97 per cent of women with breast cancer that was localised—in other words, the cancer was contained within the breast—were alive after five years. The five-year survival rate for

women whose breast cancer was regional—in other words, it had spread further to the lymph nodes—was 85 per cent. In stark contrast, for women whose cancer was distant from the breast—in other words, it had spread to another part of their body—the five-year survival rate dropped to 40 per cent. Therefore, there can be no argument that breast cancer awareness is vitally important. Just yesterday on Pink Ribbon Day, the Minister for Health, and Minister for Medical Research, the Hon. Jillian Skinner, urged women, particularly those in the high-risk group between the ages of 50 and 69, to pencil in some breast check time.

The Cancer Council is to be commended for the excellent initiative of Pink Ribbon Day, which not only raises awareness but also raises funds for prevention programs, support services and research. As the Minister said yesterday "Mammograms save lives—it's as simple as that." BreastScreen NSW provides a free mammographic screening program to aid the early detection of breast cancer. It targets the high-risk age group—as I said, women between the ages of 50 and 69—and in the period ended 30 June 2012 over 410,000 women in this group were screened by BreastScreen NSW. I am sure all members of this House would have in the past few weeks participated in at least one activity to both raise the community's awareness of breast cancer and also to raise funds for the various groups that support the cause. Again I thank the member for Baulkham Hills for raising this important issue in the House today.

Mr DAVID ELLIOTT (Baulkham Hills) [7.16 p.m.], in reply: I will conclude with a couple of comments and thank the members for the electorates of Bankstown and Port Macquarie for their input. Having grown up in Bankstown and knowing that the member for Port Macquarie is a registered nurse, I am touched that those members were able to make a contribution to this debate. It is important for us to conclude this discussion by highlighting the fact that breast cancer does not discriminate. Yes, a number of ethnic groups within the community may be more susceptible to breast cancer—and the member for Bankstown mentioned some of those groups in her contribution. My wife was never part of any of those at-risk groupings, and that indicates to me that this disease does not discriminate and that it is a cruel thing indeed. As Nicole and I were addressing our crisis we were reminded that women as young as 25 were being treated by the same doctor; pregnant women were being treated by the same doctor. Nicole was only 41, not overweight and not a smoker. For that reason we felt so distressed over this whole matter.

It does not affect only those who are diagnosed. Some members know that I have a 9-year-old boy and an 11-year-old boy. The member for Castle Hill cruelly calls them Search and Destroy. They were so brave; they had to deal with something that no little boy should have to deal with. It was very cruel. As I said, our story is one of hope because Nicole appears to be making a full recovery. I am delighted to report to the House that she is well and truly into the pink ribbon spirit. What started out as a small gathering of friends to have a few drinks to celebrate Nicole's victory over cancer has now become a major event. Tomorrow night Nicole will be bringing 200 of her closest friends to the Speaker's Garden. So far we have handed over \$10,000 to the McGrath Foundation and during the reception tomorrow night we should be able to extract a few thousand dollars more from our dear friends for the foundation. Nicole will be attending another fundraising ball next Saturday night. That generosity is part of the culture of the breast cancer fraternity—those working in the field striving for a cure, the victims and those who have lost loved ones.

We have been carried over the past six months by so many people, including the Premier and the Leader of the Opposition, who always knew the right thing to say when they saw that I was down. I do not think either of them will allow me that leeway in future. The points made by the member for Port Macquarie and the member for Bankstown were pertinent. This is a week for solemn reflection on how far we have come in dealing with cancer and also how much we must focus on the victims. We must ensure that we rid ourselves of this curse in the not-too-distant future.

Discussion concluded.

LOCAL GOVERNMENT AMENDMENT (CONDUCT) BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mr STEPHEN BROMHEAD (Myall Lakes) [7.20 p.m.]: This legislation will facilitate the drafting of a new code of conduct. I emphasise for the benefit of the member for Heffron that this legislation does not contain the code of conduct. The member spoke about the many problems associated with the existing code of conduct. Of course, that code was written by the Labor Government and all of the problems associated with it

are the result of 16 years of Labor mismanagement, incompetence, scandals and treating people as second-class citizens. The member for Liverpool was the Minister for Local Government when all these problems arose with the code of conduct. Given the problems that have been experienced with the Local Government Act and the code of conduct over the years, the Labor Government should have done something. Thankfully, we now have a reformist government that has undertaken 12 months of consultation with stakeholders about this issue. This legislation has not been rushed into the House; it has been on the table for a week and it is the product of extensive consultation. That process will make it easier for the Government to go back to the community to finalise a code of conduct that will address some of the many problems left by the Labor Government.

The bill will give effect to a more robust framework for the regulation of the conduct of council officials. The framework includes a revised model code of conduct for council officials that has been amended to tighten requirements and to prevent misuse of the code. The member for Liverpool told the House about the problems he has experienced with his council and the allegations of corruption that have been levelled at him, and the *Daily Telegraph* has picked up on those allegations. The framework will also include new procedures for the administration of the code to provide for a simple, more flexible and also more rigorous and effective process at reduced cost. Several members referred to the costs incurred by their councils as a result of vexatious, frivolous or politically motivated allegations. The misbehaviour provisions in the legislation will enable the Division of Local Government to investigate serious or repeated breaches of the code and empower the chief executive officer of the division and the Pecuniary Interest and Disciplinary Tribunal to take disciplinary action in relation to such serious breaches.

The bill makes a number of key changes to the code of conduct. Complaints will be managed from start to finish by an independent conduct reviewer, thereby removing the general manager and the mayor from that role. It also provides greater clarity in the management of complaints and procedural fairness requirements to reduce conflict of interest and costs through greater flexibility and simplicity. It contains prescribed time frames for certain key steps to minimise delay and to provide options for informal resolution, and that will also reduce costs. Matters will also be dealt with outside the public domain to avoid escalation.

The bill has been drafted after extensive consultation and collaboration with the local government sector and other key stakeholders such as the Independent Commission Against Corruption and the New South Wales Ombudsman. Contrary to what the member for Heffron would have us believe, it is not the product of mad bureaucrats in the department putting their heads together and coming up with a way to get dastardly councillors. Surely he is not saying that the Independent Commission Against Corruption and the Ombudsman do not know what they are talking about and have no idea how to write a code of conduct for the benefit of local government and its constituents.

Stakeholders were given the chance to identify the issues and the changes they saw as necessary, to comment on the draft proposals, to develop the draft proposals in workshops and to comment on the final proposals. This substantial reform has been subjected to extensive consultation and it responds to what the people, the experts and local government have been saying they need. I spoke today with the mayor of Greater Taree City Council, who said that he cannot wait for this legislation to be passed because he knows that this is what local government needs. Like so many other councils, his council has been advocating change and it has been involved in this process. The bill will implement the changes that councils have advocated. Councils have asked for a stronger code of conduct and that is what this Government is delivering. They also want more efficient and effective procedures for dealing with complaints and stronger sanctions to deter poor behaviour. This bill responds to those requests and has therefore attracted their wholehearted support.

Schedule 1 [12] proposes to insert new provisions relating to misconduct by councils, the investigation by the director general of allegations of misconduct and the taking of disciplinary action by the director general against councillors found to have engaged in misconduct. Misconduct, previously referred to as "misbehaviour", includes contravention of the Local Government Act 1993 or the regulations under that Act, a failure by a councillor to comply with an applicable requirement of the code of conduct, which is a code adopted by a council based on a model prescribed by the regulations, and a failure by a councillor to comply with any order issued by the director general in relation to a misconduct investigation or as a form of disciplinary action. At present the director general may initiate proceedings only for the suspension of a councillor on limited grounds and in limited circumstances and may take no other disciplinary action. Under the proposed new provisions the director general may conduct an investigation for the purpose of determining whether a councillor has engaged in misconduct. I commend the bill to the House.

Mr GLENN BROOKES (East Hills) [7.29 p.m.]: As a former councillor I take great interest in the Local Government (Conduct) Bill 2012 and applaud the Government for introducing it. Local government may

be smaller than State and Federal governments, it may exist at the lowest layer of public administration within the State and it may not deal with the big issues that hit the evening news, but it does deal with the day-to-day issues that impact on the lives of the average person, the average family and the average small business. Those issues may not be glamorous; they are just the nitty-gritty, grassroots, nuts and bolts of life. Local government, elected councillors and those engaged to administer council business should be held to the highest and most transparent standards. That is exactly what the Local Government Amendment (Conduct) Bill 2012 does. The bill creates the mechanisms through which local government, elected councillors and those engaged to administer council business can and will be held to account for what they do as councillors and for how they behave as administrators of council business.

Significantly, the bill also creates the means through which action can be taken against a former councillor in matters involving complaints relating to the non-disclosure of pecuniary interests and misconduct matters. The bill's drafting is masterful because it creates transparency, establishes accountability and provides the general public with the confidence it should have in its elected local councillors. The bill sends a clear message to all those who would abuse and misuse their public position of trust that they can be brought to account and made to pay the price for bad behaviour and they will not be allowed to benefit from misconduct. As a councillor I always conducted myself professionally and always applied the highest possible standards to my behaviour. The general public has every right to expect that our elected office holders and those employed to work within local government apply the same levels of professionalism and standards.

The model code of conduct under this bill will ensure that clear procedures are established for dealing with allegations of misconduct but, importantly, the bill provides for those allegations to be discussed in closed session. That is important because if the allegations are found to be false, the councillor or the administrator should not have his or her reputation damaged. Of course the reverse procedure also applies: if the allegations are found to be true by the Local Government Pecuniary Interest and Disciplinary Tribunal, not only should that person be punished but the punishment and the process that leads to that punishment should rightly be public.

The powers given to the director general and to the Local Government Pecuniary Interest and Disciplinary Tribunal to take action against a councillor or former councillor are balanced, appropriate and measured. The power to suspend a councillor from civic office, to suspend a councillor's right to be paid or to disqualify a councillor from civic office is a fitting punishment and, hopefully, an effective deterrent. The powers also send a strong message to the general public that they can have confidence in their elected officials and that should that trust be breached, a process is available to seek redress. The Local Government Amendment (Conduct) Bill deserves the support of this House. I congratulate Minister Page on introducing it and I commend it to the House.

Mr GARETH WARD (Kiama) [7.35 p.m.]: It is my great pleasure to support the Local Government (Conduct) Bill 2012. Like many other members in this House, I too have served in local government as a councillor. In my case, I served on Shoalhaven City Council as councillor and deputy mayor and was a member of the Local Government Association executive for a number of years during which I enjoyed making a contribution to wider debate. I should like to address the remarks of the Opposition spokesman on local government—Lord Hoenig—someone who presided over Botany Bay for years and years, frequently without election. This man turned the kingdom into single-member wards so that he could dominate his kingdom as he presided like a triumphant emperor over Botany Bay.

Mr Troy Grant: Hale to the chief.

Mr GARETH WARD: Hale to the chief, said the Parliamentary Secretary. He presided with an iron grip. The member for Heffron lecturing us on democracy is a bit like the Greeks lecturing us on fiscal responsibility. It was an extraordinary performance coming from a member whose colleagues are past masters at caucusing and factional control. One need only remind oneself of the member for Wollongong's dominance over the Labor caucus in Wollongong to realise how local government has been corrupted by those who sit opposite. I will not be lectured by those who discard democracy when it suits them—at every whim; whenever it is convenient—not worrying about the people of the area and concerned only about Labor factional control, stacking branches, developer donations and corruption. That happened in Wollongong, the council of which was sacked in 2008, and in Shellharbour, the council of which was sacked also because of its Labor majority. I will not be lectured by those opposite on democracy on any day in this House.

The former Labor Government actually started the mess and enacted legislation requiring this House to have a code of conduct. We seek to clean up the mess, as we do with so much of what was left to us on this side

of the House. I say to the member for Heffron, who is a new member of this place, that we are debating the bill, not the code. He spent much time talking about the code. This debate is about the framework around the code of conduct, not the provisions. He mentioned consultation—something Labor talks about but knows nothing of. This proposed legislation has been consulted to death over the past 12 months, with the New South Wales Local Government and Shires Associations also receiving comment. I listened intently to the speech of Lord Hoenig, someone who must have suffered a paper cut handing out how-to-vote cards on election day—an activity he has not been involved in very often. I appreciated his contribution in the House today.

The model code of conduct for local councils in New South Wales prescribes the ethical standards that apply to council officials and establishes procedures for dealing with behaviour that does not meet these standards. In response to concerns that the code was not operating as intended, the Division of Local Government in consultation with the Minister for Local Government, decided to undertake a comprehensive review of the model code and the misbehaviour provisions of the Local Government Act 1993. The following key concerns were raised in the extensive consultation. First was the ineffectiveness of penalties that currently apply to breaches. Certainly, on a number of occasions codes of conduct committees would recommend things like censure. Censuring a councillor might result in considerable adverse publicity, but that councillor's behaviour may not necessarily result in any change. That was one of the more serious aspects that could be prescribed. However, councillors went further in some instances. No greater example of that was the city of Shellharbour, where the Labor majority brought an action under section 664 of the Local Government Act relating to the disclosure and misuse of information.

The majority of councillors used their numbers to take other councillors to court, which resulted in the case of *Shellharbour City Council v Stewart* and in the re-election of Councillor Stewart to the council. They used that provision to allege a number of things relating to the abuse of confidential information. Instead of going through the code of conduct process as was recommended by Ernie Page—in fact, the then Minister for Local Government visited the council and tried to tell it that it needed to cease and desist from this behaviour—the majority of councillors proceeded with throwing everything they had at those Independent councillors, which was designed to try to scare and intimidate them into taking a particular point of view.

Ms Stewart, who was previously aligned with the Labor Party, is not someone who traditionally is affiliated with the Liberal Party. In that instance I saw a group of people intent on destroying a woman at all costs. The court found her in breach of only one of the three imputations suggested by council, but she was forced to carry the entirety of the costs of that case, which was a punitive penalty by proxy. Instead of going through the code of conduct process for a breach of what council considered to be the release of confidential information, the Labor majority used its number to scare and intimidate, to take someone to court and to take someone within a breath of being penniless. I call on the Government to consider removing section 664 because it has been abused. This was a test case. I ask the Minister at a future date to consider how this case affected Councillor Stewart in particular and to consider removing that provision from the Act.

Other issues that were raised included the misuse of the code to make vexatious or politically motivated complaints and the impact that this had on the stability and effective functioning of councils. I can say a lot about vexatious complaints, given that I was the subject of many of them when I was on council. I refer in particular to Mark Corrigan, who spent a lot of time assisting in research for The Greens and who made complaint after complaint against me. I ask the Minister to take note of my comments. Mark Corrigan would forum shop. If he could not get a satisfactory outcome from the code of conduct committee he would go to the Ombudsman or the Independent Commission Against Corruption and work around the system in order to find somebody who would take his complaint seriously. That is a matter of great concern. I encourage the Minister to address the forum shopping issue.

I also ask the Minister to look at the detail—and I know that the Act seeks to address this—of when a penalty has been recommended by a conduct review, but the council goes much further. In a recent case involving Shoalhaven City Council, Councillor Andrew Guile was found to be in breach. A penalty was recommended but council resolved to go much further and to take much more serious action by referring the councillor to the Independent Commission Against Corruption. Some might suggest that that action could well have been defamatory, given the recommendation from the conduct reviewer, but what happened resulted in a much more serious recommendation. As those matters are being dealt with elsewhere I do not seek to interfere with them. Those types of bodies should not be used to chase vexatious complaints any further when they have been satisfactorily resolved by the conduct reviewer.

Another issue that was raised related to councils exposure to legal action arising from poorly managed investigations and a lack of clarity in current prescribed procedural requirements. Former Councillor Jim

Mauger from Wingecarribee Shire Council has a conduct matter in court that cost him a number of dollars to try to resolve. Councillors should not have their time tied up in codes of conduct committees. Ideally it would be best if everyone got along with everyone else and did not end up before codes of conduct committees. However, that does not work and elected representatives need a forum in which to resolve their differences. Ideally, it would be nice if mature and responsible individuals who had the trust and confidence of their local communities could work productively, but sometimes that does not happen.

Councillors are not paid a fortune; they are paid a stipendiary amount for their services to the community. I hope that we do not burden our councillors with significant legal bills as in the case of Councillor Stewart or Councillor Mauger. I believe that the legislation on which the Minister and his staff have worked so tirelessly will provide greater clarity and better controls to resolve these issues. Another issue that was raised related to the size and quality of the pool of qualified independent conduct reviewers that were available to councils in rural areas. I commend people such as Gerry Holmes who has been working in this area and who has been doing a good job.

This bill seeks to amend the Act to give effect to a more robust framework for the regulation of the conduct of council officials. The framework includes a revised model code of conduct for council officials, which has been amended to tighten requirements and to prevent misuse of the code; new procedures for the administration of the code to provide for a simple, more flexible but also more rigorous and effective process at reduced cost; and provisions in the Act that will enable the division of local government to investigate serious or repeated breaches of the code and empower the chief executive of the division and the Pecuniary Interest and Disciplinary Tribunal to take disciplinary action in relation to such serious breaches. [*Time expired.*]

Mr CHRISTOPHER GULAPTIS (Clarence) [7.45 p.m.]: I make a modest contribution to debate on the Local Government Amendment (Conduct) Bill 2012. I did not plan to speak in this debate but the contribution of the member for Heffron raised the hairs on the back of my neck. I state at the outset that I have the utmost respect for those who participate in local government, whether they are staff or councillors. They do an incredible job for very little reward. This bill will provide them with guidelines to ensure that they do their job well and that they are not criticised for it. The member for Heffron talked about a local government system that was very different from the system I used in 2000 as mayor of Maclean in northern New South Wales.

It is okay for the member for Heffron to speak about being a Labor mayor of Botany on a Labor-dominated council as he had an imprimatur to do whatever he wanted to do. That scenario is different from a more conservative council on the North Coast comprising conservative Independents and not comprising factions that was forced into amalgamation by a State Labor government. The then Minister for Local Government, Tony Kelly, notified me as the mayor of Maclean by voicemail that the council and I as mayor were sacked. That was the level of consideration that the State Labor Government gave to councillors who were not on Labor-dominated councils. The member for Heffron is wrong when he said that the system was not broke and that it did not need to be overhauled with such expediency.

I know what it is like to be the subject of vexatious complaints and to have to face those complaints at the Pecuniary Interest and Disciplinary Tribunal. Those charges against me were dismissed but it cost council more than \$50,000 to defend the action as a result of the charges being dismissed. This legislation seeks to minimise the costs to council of vexatious or politically motivated complaints. In addition, those vexatious complaints led to me taking defamation action against the local newspaper and Gary Payne, Director General of the Department of Local Government, because of comments published in the newspaper. That cost the State Government and me a significant amount of money. I appreciated the apology published on the front page of my local newspaper—an apology from both the newspaper and the director general of the Department of Local Government. This bill seeks to prevent that sort of activity by councils and to provide them with guidelines on how to behave. At present there is confusion in the ranks of local government.

The Division of Local Government, which undertook a review of the model code of conduct, raised a number of concerns after extensive consultation relating to the ineffectiveness of the penalties that currently apply to breaches; misuse of the code to make vexatious or politically motivated complaints and the impact that has on the stability and effective functioning of councils; councils' exposure to legal action arising from poorly managed investigations; a lack of clarity in current prescribed procedural requirements; and the size and quality of the pool of qualified independent conduct reviewers available to councils in rural areas to investigate complaints. These are all legitimate concerns and issues that have affected me directly, which is why I chose to speak in this debate. This bill will address many of those issues.

I return to what the member for Heffron said about caucusing. It is all right for a Labor man in a Labor-dominated council in a Labor State to caucus—as occurred in Wollongong at the table of knowledge where they effectively ran the council from a kebab shop. That type of caucusing escalated the issues for Wollongong council. Of course it is good for councillors to talk but one does not sit down in a coffee shop in a discrete area when one is running a council. That is what Labor understands as caucusing but that is not what happened in the two councils to which I was elected. We were independent in that councillors could think independently of one another, yet make a united decision at council meetings. It did not have to caucus; there was no need for caucusing. This bill seeks to address the problems that occurred in Wollongong when caucusing occurred in that Labor fashion. The object of this bill is to amend the Local Government Act 1993 as follows:

- (a) to authorise the Director-General of the Department of Premier and Cabinet (the **Director-General**) to conduct an investigation to determine whether a councillor has engaged in misconduct and to enable the Director-General to require a councillor or a council staff member, delegate or administrator to provide information or documents for the purpose of such an investigation,
- (b) to enable the Director-General to take a range of disciplinary action against a councillor found to have engaged in misconduct, including counselling or reprimanding the councillor, issuing an order directing the councillor to apologise for the misconduct or to participate in training or mediation, and suspending the councillor, or the councillor's right to be paid, for up to three months,
- (c) to enable a decision by the Director-General to take disciplinary action to be made public,
- (d) to provide that a failure by a councillor to comply with an order issued by the Director-General in relation to an investigation or as part of disciplinary action constitutes misconduct by the councillor,
- (e) to enable the Local Government Pecuniary Interest and Disciplinary Tribunal (the **Tribunal**) to disqualify a councillor found to have engaged in misconduct from holding civic office for up to 5 years,
- (f) to require administrators of councils to comply with the code of conduct applicable to councillors and to enable the Director-General to investigate allegations of misconduct by administrators,
- (g) to enable the Director-General to investigate allegations of misconduct by former councillors and to refer such matters to the tribunal for consideration and to make it clear that the Tribunal has power to deal with matters relating to former councillors,
- (h) to provide that the regulations may prescribe a procedure for administering the code of conduct and dealing with alleged contraventions of the code (which will be mandatory for councillors, members of staff, delegates of a council and administrators of a council),
- (i) to enable council meetings at which allegations of misconduct by councillors are discussed to be closed to the public,
- (j) to make other minor miscellaneous amendments.

It is timely that the amendments were made to the model code of conduct. I commend the Minister for introducing this bill.

Mr JOHN SIDOTI (Drummoyne) [7.54 p.m.]: I speak in favour of the Local Government Amendment (Conduct) Bill 2012 and congratulate the Minister for Local Government on its speedy delivery to Parliament. This bill was drafted as a result of a review conducted by the Department of Local Government at the request of the Minister. I was involved in local government as a councillor for Burwood council and then as the mayor before being elected to Parliament. It gave me great insight into the workings of local government and I recognise the need for reform. The original model code of conduct for local councils across New South Wales began in 2005 with a revised version taking effect in July 2008. Its purpose was to establish procedures regarding the conduct of council officials and methods for dealing with behaviour that failed to meet the prescribed standard. These people are at the coalface of each and every community across the State. They do remarkable work for the community but they must be held accountable and they must act to ensure the safety and welfare of the community.

This bill establishes an improved framework for managing complaints about council officials. The review process was initiated because of complaints that the previous model code had not operated in the way in which it had been intended. In other words, there was room for improvement because the Department of Local Government was still receiving complaints about the behaviour of public officials. I acknowledge the contribution of other members; it has been an interesting debate. I am proud of the contributions from members who have had so many years of experience in local government; it is a great credit to them all. Part of the review process included an invitation to community members to make submissions and to express their views on how improvements to the system could be made. In response to the discussion paper 122 submissions were received from a variety of different sources. Those submissions formed the basis of a reform proposal on the model code and the conduct

provisions of the Local Government Act 1993. The Department of Local Government then outlined its proposals in a position paper and sought further comment from the community through workshops that were held throughout the State. No-one can say that no consultation process was involved in the preparation of this bill.

It demonstrates the intention of this Government to be inclusive and to act on the views of the people of this State. Under the provisions of this bill the Minister will put in place measures that will manage complaints rigorously and productively. It will give community members confidence to know that the process is transparent. Public confidence must be restored when it comes to council behaviour. One of the key points raised in the exhaustive review process was that penalties for improper behaviour were too lenient and that they failed to act as a deterrent. I note for the record that the overwhelming majority of people enter local government for the right reasons—they want to make a difference. Unfortunately, when a minority of councillors do the wrong thing it reflects badly on local government as a whole. That can be said about any level of government. The overwhelming majority of local councillors have their constituencies at heart. Under the current law the process for taking disciplinary action against a council official is time consuming and complicated and generally the penalties are regarded as a slap on the wrist. It is no wonder that the law is not working.

Under the proposed legislation complaints will be dealt with by an independent conduct reviewer—that is the clincher for me. This will mean that neither the mayor nor the general manager will be involved in dealing with complaints. It also will reduce the likelihood of a conflict of interest arising. Recently a community member made a complaint about an elected councillor and that complaint was referred to the general manager of the council. Usually a popularly elected mayor will have the numbers on council and will enjoy a cosy relationship with the general manager—the general manager basically is employed by the councillors. It is very important to have transparency. Local government is all about perception. Often one finds oneself in a position, although things have been done with the right intentions, where things may not seem as they are. Importantly, perception must match the reality of the situation.

Penalties will be strengthened under the legislation. It is simply not good enough that the only penalty that can be imposed by the Director of Local Government is for a councillor to be suspended for one month—that is not a deterrent. This legislation will give the Director of Local Government the power to reprimand a councillor, issue an order for him or her to apologise and participate in mediation and suspend the councillor's pay for up to three months. Breaches involving pecuniary interest will result in a councillor being disqualified for up to five years—that is a very strong deterrent. In my view councillors are underpaid. Councillors receive an allowance, not a salary, which is not an enticement to run for local council. People become councillors for the pride and honour of representing their community. The shame of being disqualified for up to five years will be a huge deterrent.

The bill also will introduce time frames for certain key steps to reduce delay in the investigation process. The word "misbehaviour" will be replaced by the word "misconduct" to better reflect the nature of the code. The bill does not promote the idea of a witch-hunt in breaches of conduct. In order to promote fairness it is proposed that councils conduct closed meetings to consider behaviour investigations. The alarm bells are ringing. For instance, a code of conduct breach reported some eight weeks ago, which has only now come on board, was dealt with at a council meeting. That person's name is now on the council's documentation and the community knows that that person made a complaint against a councillor. That sort of thing should be dealt with in closed committee and should not be made public. I liken it someone's name being published as a whistleblower. It is not the right way to go. That person complained to me about this and I was pleased to see this legislation introduced.

The Minister not only has been properly briefed on this bill but also has been advised by those close to local government. This legislation will impose more robust conduct guidelines on our elected local representatives which is timely, given that the State has many new recently elected councillors. I congratulate the Minister for Local Government and the department on undertaking a comprehensive review in drafting this legislation. As I have said, the new code of conduct and the associated procedures will be implemented following the September local government elections. The way in which complaints will now be managed is the clincher for me—complaint-handing will be taken away from the general manager and the mayor, particularly when complaints are targeted at those individuals. This legislation will promote greater transparency and clarity in the management of complaints and require procedural fairness. It will reduce the conflict of interest and costs through greater flexibility and simplicity. 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.

BOARDING HOUSES BILL 2012

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

ELECTRONIC CONVEYANCING (ADOPTION OF NATIONAL LAW) BILL 2012

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

Second reading set down as an order of the day for a later hour.

BUSINESS OF THE HOUSE**Routine of Business**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [8.05 p.m.]: Just by way of information for members, tomorrow the second reading speech of the Liquor Amendment (Kings Cross Plan of Management) Bill 2012 will be dealt with first. Immediately thereafter the House will deal with the Local Government Amendment (Conduct) Bill 2012 until its conclusion. The progress of the remainder of the day will then be discussed. The Government had intended to sit a little later tonight, but members have been so obliging that the House can now be adjourned.

**The House adjourned, pursuant to resolution, at 8.06 p.m. until
Wednesday 24 October 2012 at 10.00 a.m.**
