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# LEGISLATIVE ASSEMBLY

Thursday 12 September 2013

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

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

## BUSINESS OF THE HOUSE

### Notices of Motions

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

### FLUORIDATION OF PUBLIC WATER SUPPLIES AMENDMENT BILL 2013

**Bill introduced on motion by Dr Andrew McDonald, read a first time and printed.**

### Second Reading

**Dr ANDREW McDONALD** (Macquarie Fields) [10.10 a.m.]: I move:

That this bill be now read a second time.

Tooth decay is caused by bacterial acids that remove calcium and phosphate from the teeth. Fluoride limits the amount of acid produced and repairs the damage caused before this damage becomes permanent. The benefits of the fluoridation of water supplies were discovered when it was observed that areas with lower levels of tooth decay had a higher level of natural fluoride in the water supply. The addition of fluoride to the water supply simply brings all areas up to the level of fluoride that occurs naturally in some parts of the world. For that reason, New South Wales water is fluoridated to one part per million. Fluoridation of drinking water has been described by the United States Centers for Disease Control as one of the 10 most important medical advances of the twentieth century. Water fluoridation has the support of every health authority worldwide.

However, as we have seen, resistance to fluoridation continues. Those areas most at risk are smaller communities, such as those on the New South Wales North Coast where local councillors and health service providers are bullied, heckled and intimidated into restricting the use of water fluoridation in their communities, with the resulting increased rates of tooth decay—children and other vulnerable groups being the most affected. This leads to a lifetime of increased dental morbidity and, as we are now learning, effects on other organs such as the heart. Heart disease and dental disease have been known for many years to be linked. However, recent evidence shows that the link is even more significant than previously known.

The aim of this bill is simple. The bill will give the New South Wales Government, via the Minister for Health, the jurisdiction and authority to direct water authorities to fluoridate drinking water. In New South Wales, the Water Fluoridation Act was passed in 1957 and the addition of fluoride is by regulation. As well as being New South Wales Government policy, it is recommended by the World Health Organization, the National Health and Medical Research Council and every reputable health department and professional body worldwide. In the document entitled, "Oral Health 2020: A Strategic Framework for Dental Health in NSW", the Health Department states on page 9:

In the coming decade, NSW Health will continue to pursue a fluoridated water supply for the population and integrate oral health promotion within other health promotion activities in areas such as healthy eating, prevention of overweight and obesity, and smoking reduction programs.

On page 12 it states:

Fluoridation of public water supplies is the single most effective public health measure for reducing dental caries across the population, with its most pronounced effects among those who are disadvantaged and most at risk ... Since 2004 NSW Health, in conjunction with the LHDs, Local Councils, and Water Supply Authorities, has been proactive in developing strategies to promote water fluoridation to rural communities in NSW to reduce inequalities in oral health ... Population coverage of water fluoridation has increased from approximately 90 per cent in 2004 to approximately 96 per cent in 2012.

I know that in some small communities it is not feasible to fluoridate the water supply, so the coverage will never be 100 per cent. Despite that, there are still about 300,000 people in New South Wales who do not have access to fluoridated water and, for that reason, the plan is to continue to encourage and work with local governments of unfluoridated communities to introduce fluoride to the local water supply.

Water has been fluoridated since 1956 in Yass and the Water Fluoridation Act was passed in 1957. Lismore council was advised to fluoridate its water in 2006. The anti-fluoridation lobby took the case to the High Court and in August 2013 the council voted six to four against instituting fluoridation. The rescission motion was won six votes to five on 10 September 2013—Tuesday night—after one councillor who initially voted against fluoridation changed their mind and another returned from leave. The passage of this motion by a single vote was in the company of a hostile and very vocal audience of anti-fluoridation lobbyists. I delayed the introduction of this bill as its earlier introduction would probably have changed the outcome of the rescission motion. The people of Lismore have been fighting for seven years to get their water supply fluoridated, and to introduce the bill earlier would have further delayed that. I made this decision because, when it comes to fluoridation, time is of the essence, as every day without fluoride places high-risk groups—especially children—at increased risk of tooth decay.

This vote by Lismore council in favour of water fluoridation can be rescinded at any time, meaning that seven years of lobbying by local health professionals remains at risk. The councillors and health professionals, including the chief health officer, were jostled by an angry crowd at the end of the meeting. No council should ever have to go through the seven years of pain and preventable dental caries that the children of Lismore have suffered. For many of these children, the damage has already been done. Expecting local councillors to be able to withstand a hostile crowd of fellow citizens when it comes to fluoridation entrenches the status quo. This will mean that many of the 300,000 New South Wales citizens that do not have access to fluoridated water may not get it for the foreseeable future. It has already happened in Queensland, which has lower rates of fluoridation than New South Wales and higher rates of dental caries as a consequence. Unless we act, the situation will get worse.

The bill is a simple one. It gives the Minister the authority to direct water providers to follow New South Wales Government policy. The Deputy Premier, Andrew Stoner, is on You Tube publicly opposing fluoridation at a fluoride forum in Wauchope on 12 September 2009. Any member who wishes to watch his speech can Google it—part six is the one to watch. He echoes the arguments against water fluoridation by the anti-fluoridation lobby, which fall into three areas, and I will go through those one by one. The first is expense for local councils. Water fluoridation is one of the most cost-effective health interventions ever used. In 2013 you can tell who has had the benefits of water fluoridation by comparing the state of older Australians' teeth to those of younger Australians whose water has been fluoridated. Cost estimates of the benefit of water fluoridation vary from \$12 to \$80 per dollar spent.

The second argument is loss of democracy for local councils. There are those who complain that bureaucrats are running the State, such as in health and in relation to fluoride, forcing their will on the people without any democracy. This is clearly untrue. This is the argument that has denied fluoride to the children of Lismore until now, and it is time for the State Government to look after the dental health of the public. This is a decision for the politicians. It is time for the politicians to take responsibility for public health because the status quo is clearly not working. The final argument is that the science cannot say whether it is good or bad. The science is clear: fluoride is safe and effective. Following the Wauchope meeting, the then Deputy Leader of the Opposition indicated that he would pursue the matter in the Parliament and asked question 8283, that is, whether NSW Health proposed to assist conscientious objectors with the cost of rainwater tanks and/or filtration devices. The answer then given, which remains relevant, was that the Australian Drinking Water Guidelines prepared by the National Health and Medical Research Council define safe drinking water. Test results from monitoring of public water supplies are compared with the guideline values to determine the supply's safety. Additional monitoring and reporting is mandated under the New South Wales Fluoridation of Public Water Supplies Act 1957.

As Parliamentary Secretary Assisting the Minister for Health I signed more letters about fluoridation than any other health topic. It is time this anti-fluoridation circus ended. The New South Wales Government should defend the dental health of the 300,000 people who do not have access to fluoridated water. Unless this Parliament acts, preventable dental caries will occur every day until the water supply is fluoridated. I am informed that on Tuesday night in Lismore Dr Kerry Chant, the Chief Health Officer, was told by an angry observer of the meeting, "We know your face. I have friends in Syria. Do you know of sarin gas?" The Chief Health Officer of this State was threatened while in Lismore simply to encourage the council to follow New South Wales Government policy.

This behaviour is typical of some of the more extreme elements of the anti-fluoride debate. This Parliament should never allow such harassment of a senior and highly respected director to be repeated. This is a line in the sand. The Parliament needs to act to stop this circus. It is time for the State Government to protect the health of the children in New South Wales by defending them from such people. I expect the Government will find a way to not support this bill, simple as it is. I expect the Government will say it is consulting the community first, even though this simple bill is merely to ensure that the Government's own policy is followed. At best, this consultation period will only delay good public health practice, that is, the introduction of fluoridation.

**Mrs Roza Sage:** Well, why didn't you guys do it?

**Dr ANDREW McDONALD:** The member for Blue Mountains asks why we did not do it. We did increase the amount of fluoridation and continued to do so. Had we been able to continue to encourage councils to successfully fluoridate their water supply, this legislation would not be needed. I remind the member for Blue Mountains that this seven-year battle in Lismore to fluoridate the water supply went to the High Court. This kind of harassment should never be repeated. It is time the State Government protected children's health by defending them from those people. I expect the Government will say it is consulting the community, and this will delay good public practice. The need to consult on the benefit of introducing fluoride to 5 per cent of the people of New South Wales when the remaining 95 per cent already receive it is completely beyond me. Every day without fluoride puts a child at risk of preventable dental decay. At worst, as Sir Barnett Cocks said, a committee is a cul-de-sac down which ideas are lured and then quietly strangled. That is the problem I see with prolonged consultation. This could be put in the too-hard pile because of the politics of fluoridation. The risk we face with delay is an increase in preventable dental caries. I urge all members to vote for the State Government to take responsibility for fluoridation of water. I commend the bill to the House.

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

## **FIREARMS AMENDMENT (PROHIBITION ORDERS) BILL 2013**

### **Second Reading**

**Debate resumed from 29 August 2013.**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [10.24 a.m.]: The Government understands and shares the community's concerns about gun crime, and is particularly concerned that the Firearms Amendment (Prohibition Orders) Bill 2013 is a very ineffective response. This bill continues the ineffective response of the former Labor Government over 16 years. When considering this bill, one must remember that the former Labor Government allowed the proliferation of gun crime, particularly in Western Sydney, and failed to address the critical issues arising over that period. As the Government goes about ensuring an effective approach, the Opposition must make sure that its bill does not get in the way of the Government's attempts to address the variety of community needs. This horrendous activity of those who think it is acceptable to carry firearms and behave in a completely unacceptable way impacts on the community. However, it is not new. During the Auburn by-election some years ago under the Labor Government, I found it interesting as I walked the streets of Auburn that even at that point the biggest concern for local residents was that they could wake up in the morning to the sound of bullets being fired down their streets.

One lady expressed extreme concern. I must say that at that stage I had not realised the extent of the problem. This lady was very concerned that the then Labor Government was doing absolutely nothing to address the issue. She said she was a Labor voter. Obviously, the result of the Auburn by-election indicated the area still had sufficient numbers of people supporting Labor, but they were concerned that their own Government, that is, the Labor Party, was doing nothing. This bill seems to build on the failings and errors of the former Government. The Labor Opposition seeks to put itself at centre stage of a play in which it really has played no part until now, and is doing so entirely inappropriately. The Leader of the Opposition's bill has essential inherent weaknesses. I suspect that at some point the Leader of the Opposition probably will wake up to the fact that his bill does not actually address the concerns and that some express provisions are upsetting police.

**Ms Linda Burney:** Have you read it?

**The SPEAKER:** Order! The Leader of the House has the call.

**Mr BRAD HAZZARD:** The Government is concerned that this bill simply does not address community needs. The bill contains particular provisions. For example, item [2] of schedule 1 makes it a specific legal requirement for the Commissioner of the NSW Police Force to not delegate any functions under part 7 of the Firearms Act 1996. I reiterate that: the bill expressly forbids the commissioner to delegate the power to make an order. That is quite impracticable. Effectively, it means that the Commissioner of Police, who, obviously, is extremely busy managing our magnificent Police Force, will have to personally make every firearms prohibition order proposed by the NSW Police Force. The bill contains no capacity for the commissioner to delegate to other officers to deal with firearms prohibition orders. The Leader of the Opposition just cannot intend that because, obviously, the police commissioner would be tied up in day-to-day practical tasks in which he should not have to be involved.

**Mr John Robertson:** In the same way he signs off on everyone who retires injured and unfit for duties?

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The Leader of the Opposition will come to order.

**Mr John Robertson:** Every single person who is unfit for duties is signed off by the police commissioner, without designation.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The Leader of the Opposition will come to order.

**Mr John Robertson:** So what you are saying is that signing off on someone going is more important than this? Is that your point?

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The Leader of the Opposition will have an opportunity to reply to the debate.

**Mr BRAD HAZZARD:** Clearly, the Leader of the Opposition does, in fact, support the Commissioner of Police being involved in every single order.

**Mr John Robertson:** No, I am saying it highlights your priorities, what you think is a priority for the community.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I call the Leader of the Opposition to order for the first time.

**Mr BRAD HAZZARD:** Robbo, that is a bit silly. We will see what amendments the Leader of the Opposition will seek to make because I bet my bottom dollar he will come up with some amendments to this bill.

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

**Mr BRAD HAZZARD:** Mr Deputy-Speaker, I bet my bottom dollar that Robbo will seek to amend this bill at an appropriate juncture.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The Minister will refer to members by their correct titles.

**Mr BRAD HAZZARD:** I refer to my esteemed colleague on the other side of the House, the Leader of the Opposition. I do not mean to be deprecating when I use the term "Robbo". I note that the bill has a number of other shortcomings. Proposed section 74 (4) creates an offence for a person who is subject to an order to not be in the company of a person who is in possession of a firearm. That offence carries a maximum penalty of five years imprisonment. I cannot believe this one because it would appear that there is no exemption for a person who is in the company of a police officer or other law enforcement officer. I have been advised that, under this bill, if a police officer approaches a person subject to an order, that person may be guilty of this offence and face a penalty of five years imprisonment. This clearly has not been thought through by the Opposition or the Leader of the Opposition.

**Ms Tania Mihailuk:** This is quite comical.

**Mr BRAD HAZZARD:** The member for Bankstown should know that her community is very concerned about this issue because her Labor Party did nothing for 16 years—

**Ms Tania Mihailuk:** They are concerned.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! Members will have an opportunity to contribute to the debate.

**Mr BRAD HAZZARD:** —and it set the stage for a billowing problem, which this Government is now seeking to address. There is no question that the New South Wales Government is concerned that illegal guns are flooding in through the nation's porous borders. Again, that is a problem that has been delivered to us by the former Federal Labor Government, which lost favour last weekend.

**Ms Linda Burney:** Take some responsibility.

**Mr BRAD HAZZARD:** The member for Canterbury says, "Take some responsibility". The former Labor Government in New South Wales did not take responsibility for 16 years. She was a Minister in that Government and did absolutely nothing.

**Ms Linda Burney:** How do you know that?

**Mr BRAD HAZZARD:** The Government supports the NSW Police Force in its tireless work in targeting violent crime across the State. These shootings in public places are reckless. The Government is doing everything it possibly can to address this issue and, on every front, we will ensure that the NSW Police Force is given the powers it needs to tackle this problem. Since the Liberal-Nationals Government came to power, an additional 420 police officers have been appointed; additional police powers have been granted to crack down on gun-related crime; the rules concerning the supply of ammunition have been tightened; penalties applying to shootings have been toughened; consorting offences have been strengthened; and outlaw motorcycle gangs can now be declared criminal organisations.

This Government has taken a number of measures in this regard. The problem would not have escalated if a comprehensive response had been made by the former Labor Government, which Mr John Robertson now leads in Opposition. This legislation is a reckless act by the Leader of the Opposition to try to grab centre stage. It does not address the issues, just as Labor when it was in government did not address the issues. For that reason, the Government will not be supporting this half-hearted, half-baked, Johnny-come-lately legislation. We suggest that the Leader of the Opposition withdraw the legislation so as to not cause police any more problems. This legislation, if it were to pass through the Parliament, would create more difficulties for the NSW Police Force.

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

**Mr NATHAN REES** (Toongabbie) [10.34 a.m.]: I support the Firearms Amendment (Prohibition Orders) Bill 2013. I advise the Minister for Planning and Infrastructure, the member for Wakehurst, that the Opposition will not withdraw this bill. This bill goes to the heart of the Government's response to an issue of public safety and public concern. Whilst on occasions some issues can be sheeted home to a former government—and no doubt we will see that in Canberra over the coming weeks—this issue is not one of them. Since Barry O'Farrell was elected there have been 270 shootings.

**Mr John Robertson:** I think it is 280.

**Mr NATHAN REES:** Since Barry O'Farrell was elected there have been 280 shootings. In the past 12 months 12 shootings have resulted in fatalities and there have been 88 shootings so far this year.

**Mr John Robertson:** Sorry, it is 270.

**Mr NATHAN REES:** I will correct the record on behalf of the Leader of the Opposition. Since Barry O'Farrell was elected there have been 270 shootings. These shootings are happening predominantly in Western

and south-western Sydney. I do not expect the member for Wakehurst, the Premier and others who live on the leafy northern shores of Sydney to understand what is going on in Western and south-western Sydney. The tin ear on this issue was reflected, in part, in the election results last weekend in Western Sydney. More than 80 per cent of these shootings have occurred in Western and south-western Sydney in places such as Ambarvale, St Johns Park, Greenacre, Wentworthville—there were a couple of deaths there a few months ago—St Marys, Bexley, Abbotsbury, Lakemba, Liverpool, Tregear, Heckenberg, Yagoona and Wiley Park. I could go on. The practical reality is that people are scared. The Leader of the Opposition and I have visited families who live in the streets where these shootings have taken place.

I will not forget a lady at Granville who told me that she leaves her home on a Friday night, travels across the Great Dividing Range to spend a weekend at her son's farm and returns on Monday morning so that she can get a couple of consecutive nights of peaceful sleep in the absence of danger. That is the practical reality of these shootings in Western Sydney. This bill is a proactive attempt to fill a yawning gap that has been left by the Government's response to this issue. The Firearms Amendment (Prohibition Orders) Bill 2013 amends the Firearms Act 1996. It has the effect of restricting access to firearms by people with a known history of violence and/or serious criminal activity and gives police the authority to search a person who has been issued with a firearms prohibition order. Currently, under sections 73 and 74 of the relevant Act, firearms prohibition orders may be made by the Commissioner of Police prohibiting a person from possessing or using a firearm if the person is not fit or if it is not in the public interest for that person to have possession of a firearm. The maximum penalty is 10 years imprisonment in the case of a prohibited firearm or five years in any other case.

The measures in this bill are replicated in South Australia where the Registrar of Firearms can issue a firearms prohibition order against a person if satisfied that possession of a firearm by the person would be likely to result in undue danger to life or property, or that the person is not a fit and proper person, and that it is in the public interest to prohibit the person. The member for Wakehurst referred to a provision in the bill that requires the police commissioner to sign off on every order. The member is correct in that we have prepared an amendment for consideration by the Parliament to address the issue of delegation powers. The proposed amendment is:

(1) Page 3, schedule 1 [2], lines 6-9. Omit all words on those lines.

(2) Page 5, Insert after line 33:

**[4] Section 81 Delegation**

Insert after section 81 (2):

(2A) Despite subsection (1), the functions of the Commissioner under Part 7 may be delegated only to a police officer of or above the rank of inspector.

That addresses the Government's concern about delegation. As to the assertion by the member for Wakehurst that the bill precludes a person who is the subject of one of these orders being accompanied by a police officer because the officer has a firearm, we will examine that issue and, if necessary, amend the legislation. The Opposition wants this legislation to work. We have been forced to introduce this bill because of the silence of the Government on meaningful measures. This Government has failed to ban a gang. It has failed to provide rewards for information leading to the conviction of shooters. It has failed to increase police numbers, leading to local area commands in Western and south-western Sydney continually being understaffed. It has failed to fill local area command vacancies in Western and south-western Sydney. Our local area commands are understrength.

**Mr Troy Grant:** Do not go there. Do not talk about police numbers. What about the workforce allocation model, the constables allocation model?

**Mr NATHAN REES:** The member for Dubbo raises the issue of authorised strength. I remind the House that Minister Gallacher has adjusted the definition of authorised strength. Under the former Labor Government, if the authorised strength was 16,000 we recruited above that, so that when people were on recreation leave, study leave or maternity leave the authorised strength remained on the street. The current police Minister, Minister Gallacher, adjusted the definition and there are fewer officers than the authorised strength on the street. The member for Dubbo may seek to obfuscate the issue, but that is the fact. In addition, the proposal to increase police numbers by 550 over the term of this Government does not keep pace with population growth.



**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Toongabbie and the member for Dubbo will stop debating across the Chamber and direct their comments through the Chair.

**Mr NATHAN REES:** The increase proposed by the Government to the police force of some 550 over its four-year term does not keep pace with inflation. In per capita terms the people of New South Wales will have fewer police per thousand head of population by the end of the term. I commend the bill to the House.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [10.41 a.m.]: As the Leader of the House indicated earlier, the Government opposes the Firearms Amendment (Prohibition Orders) Bill 2013. The main purpose of the bill is to amend the Firearms Act 1996 to expand the current provisions relating to firearms prohibition orders based on, it would seem, legislation in South Australia. Clearly, this bill has been drafted by the Opposition in haste and without regard to the practical needs of our law enforcement agencies. The member for Toongabbie read onto the record a proposed amendment. That is policy on the hop. They are behaving like the previous Federal Government and firing from the hip. The bill contains a number of impractical, unnecessary and unduly complicated provisions that will not serve the purposes of the NSW Police Force. As has been mentioned previously, the police commissioner already has authorisation.

Although the Opposition has foreshadowed an amendment, this bill demonstrates that the Opposition has a profound lack of understanding or appreciation of the police commissioner's role and the demands on his time. Once again, we see a late-minute amendment after the Leader of the Opposition has introduced legislation. The NSW Police Force has approximately 870 commissioned officers at the rank of inspector or above. These inspectors and senior officers typically help manage operations. The South Australian legislation on firearms prohibition orders provides for any police officer to issue an order, if approved by an officer of the rank of sergeant or above. The New South Wales Firearms Act 1996 specifically provides that the Commissioner of Police has that power. Pursuant to the provisions of this bill, the Opposition would have the commissioner tied to his desk.

I also note that proposed new section 74 (4) in the bill creates an offence for a person who is subject to an order to be in the company of a person in possession of a firearm. The maximum penalty is five years imprisonment. The bill does not provide an exemption for a person who is in the company of a police officer or other law enforcement officer. I am advised that under this bill, if a police officer approaches a person who is subject to an order, that person may be guilty of this offence and face a penalty of five years imprisonment. This clearly has not been thought through by the Opposition. The Opposition no doubt wanted to look tough when it drafted this provision. The Police Force does not need new legislation that is not fully thought through, is probably unworkable and will be the subject of appeals and legal challenges.

Similarly, the bill proposes a new section 74 (10) to create a new offence for a person subject to a prohibition order to attend a gun club or shooting range, and also for that person to seek membership of such a club or range. The provision relating to membership goes beyond the South Australian legislation and is, I am advised, both unnecessary and probably difficult to prosecute. The bill provides for new search and entry powers for police officers in relation to persons who are subject to firearms prohibition orders. However, I note that proposed new section 74A provides that police will be able to enter premises at any reasonable time. Again, this is not in the South Australian legislation. What is deemed a reasonable time? A person may be in a vehicle at 2.00 a.m. on the way to commit a drive-by shooting. Is 2.00 a.m. a reasonable time or is it business hours, 9.00 a.m. to 5.00 p.m.?

These are questions that will be asked by defence lawyers in court. I predict that this legislation would be used more by the Court of Criminal Appeal than it would by police officers. This side of the House respects the hardworking men and women of the NSW Police Force. On a number of occasions I have accompanied police on night shifts, both in Sydney and in regional areas. This time last week I was in Goulburn in the company of the deputy commissioner to attend the Mental Health Intervention Team address at the police academy and to talk to local police. Members on this side of the House listen to police and provide them with the appropriate legislation and resources in order for them to continue to do a fine, upstanding job of protecting our local community. I am a firm believer in speaking to the people at the coalface—in this case, the hardworking men and women of the NSW Police Force.

It would be remiss of me if I did not highlight that this Government takes gun-related crime very seriously and has taken action to provide police with the powers they have requested to assist them in tackling organised crime and gun-related matters. Just to name a few of these measures, the Government has provided an additional 420 police and additional police powers to crack down on gun-related crime. The Government has

strengthened consorting offences, toughened shooting penalties, enabled outlaw motorbike gangs to be declared criminal organisations, and called on the New South Wales Crime Commission, which has royal commission-style powers, to compel witnesses to cooperate with investigators.

When those opposite were in government, the operational strength in my electorate of Tweed was about 75 per cent. At one time, 35 officers of the authorised strength of 179 were on long-term sick leave. Currently, I am very pleased to say, the local area command is operating with 93 per cent operational strength. I note that part of the local area command is in the fine electorate of Lismore, represented by Mr Deputy-Speaker. As a result, all rate of crime in major categories within the Tweed-Byron Local Area Command is approximately 50 per cent lower than it was three years ago. Well done to the hardworking police. This shows that more police are out on the roads and crime rates are definitely falling. I oppose the bill.

**Ms TANIA MIHAILUK** (Bankstown) [10.49 a.m.]: As I listened to the contributions from the member for Wakehurst and the member for Tweed, I was gobsmacked. I hope they enjoy the sun, sand and surf in their electorates, but those of us in Western Sydney—in areas like Bankstown, Fairfield, Smithfield, East Hills and Toongabbie—and in Rockdale in south-western Sydney are tired of the shootings. The Government has sat on its hands while 270 shootings have taken place in the past two years. Those opposite do not care. A week and a half ago the Premier quickly went down to Garden Island and, all kudos to him, woke up the Deputy Premier, pulled him out of the bunker that the Federal Nationals had hidden him in for the duration of the Federal election campaign and took him to a press conference where he spoke about the defence of New South Wales.

The other day the Deputy Premier rambled on that defence is important for New South Wales and New South Wales is important for defence. What about defending the mums and dads, the families in Western Sydney and south-western Sydney from the shootings? How about focusing on what you are meant to do, that is, protecting the mums and dads, the families of western and south-western Sydney? Many areas have been affected by shootings. Apart from Bankstown, there have been shootings in Liverpool, Port Macquarie, Heffron, Londonderry, Lane Cove, Hawkesbury, Mulgoa, Camden, Macquarie Fields, Parramatta, Liverpool, Kogarah, Canterbury, Fairfield, Toongabbie, Granville, Cabramatta, Rockdale and Smithfield. I would love to hear from the Liberal and The Nationals members who represent those areas about their thoughts on these shootings and what their constituents are saying to them.

In the past week the Opposition has proposed an amendment to the firearms Act which those opposite should support. They know the amendment had been foreshadowed, but they did not even consider it. Did the member for Tweed consider the amendment? He does not care. He enjoys his time in the Tweed staring at sunsets, but the people in Western Sydney have had enough. Those opposite have an opportunity to come to the table and discuss an amendment that they think will make this bill work. If they believe this bill is unworkable, they can make suggestions. But they continue to sit on their hands and do nothing. Every morning the Premier is told about a shooting that occurred the previous night. What does he do? He presses the snooze button on his alarm, rolls over and goes back to sleep.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! As it is R U OK? Day, I must ask the member: Are you okay?

**Ms TANIA MIHAILUK:** I am, but the constituents of Bankstown, East Hills, Smithfield and Granville are not okay. They are not happy because this Government has done nothing on this issue.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Bankstown will direct her remarks through the Chair.

**Ms TANIA MIHAILUK:** The Government has done nothing to ensure that police are well equipped. The Government does not properly resource police; it does not use powers to declare criminal gangs. It now has an opportunity to do something. The prohibition orders can be used in such a way that senior police will be able to check that people are complying with the order. That power can be delegated, if those opposite support the proposed amendment. Police will be able to search homes and vehicles. As those opposite know, that is an important provision. There are people walking around in Western Sydney with illegal firearms, and those opposite are doing nothing about it. I commend the Leader of the Opposition for having the foresight to put forward this bill. He cares. He goes out to where the shootings are happening and talks to the constituents, the people who matter. He says to them, "We care. We want these shootings to stop."

**Mr Troy Grant:** You are all about rhetoric.

**Ms TANIA MIHAILUK:** No, the member for Dubbo is all about rhetoric. He sits there doing nothing about this problem. He has been silent on this issue. I would love to hear today from the member for East Hills, the member for Granville and the member for Smithfield. I do not see those members in the Chamber, even though the member for Granville has had plenty of shootings in his electorate. He knows that this is a problem. Where are those members? Why are they not present in the Chamber? Why do those members not speak in opposition to this bill? The Government has an opportunity to talk and come up with a genuine solution. If it has an issue with this bill, it should put forward an amendment.

**Mr Troy Grant:** Point of order: I ask that the member direct her questions through the Chair rather than try to antagonise Government members and incite a response from us.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I have ruled that the member for Bankstown will direct her remarks through the Chair. I gave the same direction to other members, including the member for Dubbo.

**Ms TANIA MIHAILUK:** I did not know that the member for Dubbo had such a glass jaw. The Government has an opportunity to support the bill and the foreshadowed amendment, which deals with the issue raised by the member for Tweed. It has an opportunity to start the process of stopping the shootings. This is a major problem, and it continues to be a problem. It may not be happening in Ku-ring-gai, Wakehurst, Manly or the Tweed, but it is certainly happening in the vast majority of Western Sydney, south-western Sydney and, as I mentioned earlier, a whole range of other electorates. People are sick and tired of the shootings. I ask the Government members who represent electorates in Western Sydney: where are they on this issue? I will watch with interest how the members representing the electorates of Granville, East Hills and Smithfield vote on this bill. Their constituents want the Government to stop sitting on its hands, step up and stop the shootings. The Government must give the police the powers they need, and it knows that this amendment can assist in that regard. As usual, those opposite are burying their heads in the sand. I commend the bill to the House.

**Mr GARETH WARD (Kiama) [10.56 a.m.]:** I commend any discussion about the shootings that have occurred across the State and I roundly condemn recent comments made by The Greens member of the Legislative Council David Shoebridge in the Illawarra that the Illawarra would be the next place shootings would occur if they continued. That type of scaremongering is inappropriate. I also believe that the scaremongering in this place today is inappropriate. In the 225-year history of this State, no matter who is in government, it has not been politicians who have directed police; it has been police who have directed police. This is clearly an attempt by the Leader of the Opposition to latch onto an issue. I commend any attempt to tackle gun crime, but I do not believe that politicising this important issue is the way to go—and that is what we are seeing from the Opposition. The Government has taken a number of measures in this area. That fact has been missing from the Opposition's comments so far.

The Government supports the NSW Police Force in its tireless work against crime across the State. Public shootings are reckless and the offenders committing these shooting offences have a blatant disregard for their own safety and that of the community. The Government takes gun-related crime seriously and has taken action to provide police with the powers they have requested to assist them in tackling organised crime and gun-related matters. These measures have included: providing an additional 420 police; providing additional police powers to crack down on gun-related crime; strengthening consorting offences; toughening shooting penalties; tightening the supply of ammunition; allowing outlaw motorcycle gangs to be declared criminal organisations; calling in the New South Wales Crime Commission, which has a royal commission-style power to compel witnesses to cooperate with investigators; introducing a licensing scheme with stringent probity checks for owners and operators of tattoo parlours; urging the Federal Government to increase border protection to stop illegal weapons coming into the country; banning bikies from wearing their colours in 58 venues in Kings Cross; and stopping criminals from putting forward ambush defences.

**Mr John Robertson:** What about the tattoos that they identify themselves with?

**Mr GARETH WARD:** I was not going to respond to the Leader of the Opposition but I will say that when the Opposition was in government they brought forward legislation on bikies. What did the High Court do in relation to that legislation? It threw it out. If the Opposition comes into this place seeking to make a credible argument, I simply say that when they were in government, during those 16 years, they had the opportunity to

do something about this matter. What happened? The High Court shredded their bill. Whilst the overwhelming majority of shootings are targeted, there is also a risk of innocent people being caught in the crossfire. This is simply unacceptable. I understand that all members of Parliament, whether they are Government or Opposition members, would seek to address this concern. The Government is concerned that illegal guns are flooding in through the nation's porous borders as quickly as police can confiscate them.

That is why the New South Wales Government called on the former Government to increase inspections of air cargo, the rate of which had dropped under Federal Labor. We are pleased that the new Federal Coalition Government has committed to a \$100 million boost in funding for Customs and border protection agencies to increase the rate of cargo, consignment and package screenings at our borders. In August the NSW Police Force established Operation Talon, which focused on gun crime and was made possible following the recent realignment of resources within the NSW Police Force. Operation Talon is headed by Deputy Commissioner Nick Kaldas and builds on the fantastic work undertaken by Strike Force Raptor and operations Apollo and Spartan.

**Ms Tania Mihailuk:** How are the beaches at Kiama? What do they do down there—throw sand at each other?

**Mr GARETH WARD:** I note the interjection about Kiama. I will continue to represent the people of Kiama and ensure that we have strong laws to protect them, as well as the people of Western Sydney.

**Mr Guy Zangari:** How many shootings in Kiama?

**Mr GARETH WARD:** I acknowledge the interjection by the member for Fairfield. It does not matter whether there are shootings in Kiama. We need tough laws across the State. Just because members opposite want laws in one area it does not mean they should not apply fairly across the State. Opposition members are interjecting, but they were silent when the Government took on extreme left-wing ideologues during the debate about closed-circuit television. Members opposite were silent when we clamped down on closed-circuit television and ensured that police had access to the resources they needed. They should not lecture me on law and order.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Bankstown has made her contribution to the debate. Members will come to order. The member for Kiama will be heard in silence.

**Mr GARETH WARD:** Strike Force Raptor, which primarily targets organised criminal motorcycle gangs, will continue as a separate entity—as will other specialist units within State Crime Command. As of 30 June 2013, Strike Force Raptor has arrested 2,196 people, laid 5,094 charges, seized 553 firearms and more than \$2.69 million in cash and made numerous drug seizures. Between Strike Force Raptor, Operation Apollo and Operation Spartan, police have charged 3,352 people with a variety of offences. That is commendable. I am sure that members on both sides of the Chamber commend police for their efforts. I do not seek to politicise this debate in that respect; I know that everyone supports our police officers.

This debate is about ensuring that the police have the right types of powers. I respect the contributions made by members opposite. But in 2011 almost 30 per cent of drive-by shootings occurred in the first three months of that year. In other words, almost 30 per cent of drive-by shootings in 2011 occurred during the quarter of the year that Labor was in government. We must give this debate some perspective. It upsets me when I hear Opposition members targeting the Premier personally, as though every shooting is his fault. Of course that is not the case.

**Ms Tania Mihailuk:** No, but he is responsible for doing something about it.

**Mr GARETH WARD:** I acknowledge the interjection by the member for Bankstown. Governments need to accept responsibility, but it is not as though the Premier is personally responsible for every shooting. Members opposite seem to assert that a good and decent person would want these incidents to occur. There are also good and decent people in the Opposition.

**Ms Tania Mihailuk:** He'll promote you eventually, don't worry.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I call the member for Bankstown to order for the first time.

**Mr GARETH WARD:** I assure the member for Bankstown that none of us want gun violence. I appreciate that people want to resolve the problem and implement effective laws for the police to use. But Opposition members' attacks on the Premier signal to me that they are more interested in politics than in stopping crime. Members opposite come into this place, bang the lectern and talk about what they would do. At the same time they issue press releases attacking the Premier in order to get a headline in their local paper. I appreciate that the communities of members opposite are suffering, and that members who represent electorates in Western Sydney have legitimate concerns. But we will not resolve this issue by playing base politics. We need sensible and considered contributions from members opposite. The legislation they introduced in government was torn up by the High Court. Their legislation failed. I appreciate the Opposition's attempts to debate this issue in Parliament, which is the appropriate place to have that debate. I do not appreciate—

**Ms Tania Mihailuk:** You don't have to take the whole 10 minutes, Kiama. We know the game you're playing. Drag it out.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I call the member for Bankstown to order for the second time.

**Mr GARETH WARD:** I listened to my friend the member for Bankstown in silence despite the fact that I wanted to interject. I wish she would show me the same respect.

**Mr Ron Hoenig:** That's unusual for you.

**Mr GARETH WARD:** It is unusual. I respect the Opposition and its right to introduce a bill in this place, but I do not believe this bill will deliver the desired outcome. I offer the view that requiring the commissioner to make certain decisions 24 hours a day, seven days a week, as suggested in the bill cannot work in practice. I would appreciate it if the Leader of the Opposition would respond to claims made in relation to that matter when he replies to the debate. I oppose the bill and I encourage other members to oppose it also.

**Mr GUY ZANGARI (Fairfield) [11.04 a.m.]:** The Firearms Amendment (Prohibition Orders) Bill 2013 introduced by the Leader of the Opposition offers a common-sense approach to the dangerous gun violence that is playing out in our local communities. As we debate the matter this morning I notice the absence of members who represent electorates in Western Sydney. Where is the member for East Hills, the member for Granville, the member for Smithfield, the member for Mulgoa and the member for Penrith? Where is the member for Smithfield?

**Mr Ryan Park:** He's at Polding Street.

**Mr GUY ZANGARI:** Exactly. He is not here and he was not on Horsley Drive when the garage at a residence of an innocent family was peppered with 15 bullets. Not once has he spoken in the Chamber about this issue. He claims to be the member for Smithfield but he is like Elvis—there are alleged sightings but no real evidence that he is around. There have been shootings in Fairfield and Western Sydney. I ask Coalition members who represent those areas to state their views about the bill introduced by the Leader of the Opposition. The bill seeks to amend the Firearms Act 1996, make further provisions with respect to the effect of firearms prohibition orders, and give police the authority to conduct searches for the purposes of ensuring compliance with such orders.

There are 270 reasons, and counting, why members should support this bill. A disgraceful 270 incidents have filled local residents with fear. I ask members opposite how many constituents have come into their electorate offices in tears because bullets have been sprayed at their cars, fences and garage doors? Since March 2011 police are aware of 270 incidents when guns were fired on our local streets at individuals, cars, homes and businesses. People are sick and tired of waiting for the Government to do something about gun violence before more innocent lives are lost. When shots are fired does the Premier speak out about the problem?

**Ms Tania Mihailuk:** No.

**Mr GUY ZANGARI:** No. He sends other members to speak about it. As the member for Fairfield, I know more than most about the effects of the dangerous escalation of gun warfare on our local streets. Organised gangs have taken their dangerous feuds to the streets of Fairfield, Bankstown and Holroyd—areas that I represent. Residents have also felt the effects of gun violence. At Eddy Street in Merrylands, in the electorate of the member for Granville—

**Mr Troy Grant:** Point of order: The member has referred to the member for Granville. I inform the member for Fairfield and the House that the member is attending to a death in the family. That is why he is not present for this debate. He will return to the Chamber later today.

**Mr GUY ZANGARI:** I withdraw that reference to the member for Granville. Other affected areas are Francis Street in Fairfield, The Promenade in Yennora in my electorate, Chiswick Street near Greenacre and Leeds Street in East Hills—just to name a few. They have all had to come to terms with the fact that the safety of their families has been put at risk by the firing of a gun. Because this Government has failed to put a stop to the violence, it now threatens to endanger the homes and the lives of people throughout Sydney and to spread like a dangerous cancer in the community. Residents in areas outside south-western Sydney such as Kellyville, Cranebrook, Winston Hills and as far away as Woy Woy have also been victims of gun violence. They have had their peace and the peace of their community violated by a small number of dangerous individuals who think that the streets belong to them. But this Government has been unable to do what the community expects it to do: stop the guns.

The people of New South Wales have a Premier who so far has failed to do the one thing that people expect from a Premier: keep the community safe. As the member for Fairfield, and representing the residents of a community who are sick and tired of having their local streets and neighbourhoods hijacked by a small number of dangerous individuals, I implore members opposite to support this bill. The bill takes a common-sense approach. It does not seek to introduce a new strategy or weaponry; instead it modifies existing powers so that they can be utilised to serve the very purpose of their enactment—to stop the guns. The Firearms Amendment (Prohibition Orders) Bill 2013 was introduced by John Robertson, our parliamentary Labor leader, to give "the firearms prohibition order real teeth". Under the current legislation, the New South Wales Commissioner of Police can place a firearms prohibition order on any person who is deemed unfit to own or carry a firearm. That may be because such individuals have a history of serious criminal or violent behaviour, or it may be because they are involved in a criminal gang.

The firearms prohibition orders allow the police to protect the community by ensuring that such individuals are not allowed to be in possession of a gun. However, despite the potential of the Act, the powers have rarely been used. This legislation seeks to change that. It will provide the changes that will enable our men and women in blue to have the confidence to use the powers they have been given by past and present Parliaments to keep our communities safe. The bill will insert new section 74 and new section 74A into the Firearms Act 1996. New section 74 spells out in detail exactly what is expected from an individual who is the subject of a firearms prohibition order. Under new section 74 (4), an individual issued with a firearms prohibition order is prohibited from being in the company of another person who is in possession of a firearm. That will prevent individuals who are involved in gang activity from consorting with other members of gangs.

New sections 74 (6), (8) and (9) prevent an individual from being in premises where there is a gun. The new subsections prohibit such an individual under an order from residing in premises where there are firearms and from being in premises where a firearm-related business is being conducted and from being in gun-related recreational centres. Finally, new section 74 (11) will make sure that an individual under a firearms prohibition order does not physically handle or trade a firearm or ammunition. This legislation makes it clear what is expected of a person under a firearms prohibition order. It makes it very clear, in black and white, when a person is in contravention of restrictions placed upon them. It is therefore obvious that the police must be able to ensure that such a person is complying with the firearms prohibition order. That is what makes this bill common-sense legislation. [*Extension of time agreed to.*]

Under new section 74A (1) (b), the police will be given powers to enter and conduct a search of any premises occupied by a person who is subject to a firearms prohibition order without first obtaining a warrant. The Leader of the Opposition, John Robertson, made it clear that the proposed changes represent tough new search powers—as he said, powers with real teeth—that may impinge upon long-established common law rights protecting the sanctity of an individual's home or property from actions by the Crown. However, the residents of Fairfield and Sydney are crying out for real action. They want their streets back and to live once again without fear that their children, their homes or their community may be victim to an individual with a firearm. This bill will help give the police what they need to put a stop to gun violence. As I said earlier, my constituents have come to my electorate office in tears, saying that they came to this country to escape gun violence and lawlessness overseas only to arrive in an area where there is gun violence and lawlessness. That is detrimental to their welfare and to that of their families.

I again urge members opposite to support the bill, which will introduce a common-sense approach. Since March 2011 we have had 270 shootings, which is a shame. We should not be gloating about bullets

sprayed at homes and other property; on the contrary, it is very disappointing. My colleague the member for Smithfield represents an electorate within the Fairfield local government area and I am disappointed that he is not present in the House to debate the bill. Where is the member for Smithfield? Why did he not speak up when bullets were sprayed at properties in Wetherill Park, Bossley Park and Abbotsbury during daylight hours in the school holidays? Gun violence has a negative impact on entire communities because people have their peace of mind stripped from them and no longer feel safe. The member for Smithfield must come to this House and debate the bill because residents of Abbotsbury South, Abbotsbury, Edensor Park, Greenfield Park, Bossley Park and all suburbs in the Holroyd local government area that he represents, such as Pemulwuy and Greystanes, need to know where their local member of Parliament stands on this issue. I urge members opposite to do as I do and support the bill.

**Mr ANDREW GEE** (Orange) [11.17 a.m.]: I oppose the Firearms Amendment (Prohibition Orders) Bill 2013 and point out that the arrant hypocrisy of Opposition members is absolutely breathtaking. It is a well-known fact that the number of illegal firearms seized each year is easily overshadowed by the number of illegal firearms that are coming into Australia. Which government has dismantled the ability of the Australian Customs Service to inspect air cargo coming into this country? Under the previous Federal Coalition Government more than 60 per cent of air cargo was searched, but what is the figure now? It is 10 per cent. Why is that figure so low? It is because the former Federal Labor Government, which comprised the political party to which Opposition members belong, stripped \$60 million from the Customs budget. Illegal firearms are coming into the country because Labor stripped the Australian Customs Service of the resources it needs to tackle this problem. The Opposition's position on this is an absolute disgrace. The new Coalition Government has pledged to redress that arrant failure by rolling back the \$60 million in budget cuts and allocating \$100 million to the Customs Service.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! There is too much audible conversation in the Chamber. The member for Orange will be heard in silence.

**Mr ANDREW GEE:** Members opposite come into this Chamber with their holier-than-thou righteous thunder when they are the ones who have dismantled the ability of our Customs Service to seize illegal firearms coming into this country.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Canterbury will have an opportunity to contribute to the debate.

**Mr ANDREW GEE:** It is their party and they are responsible for it. Those opposite put their people in Canberra—they and their union mates—so they need to start taking some responsibility. Under the new Coalition Government \$100 million will be injected into the Customs Service, which will enable it to double the number of searches undertaken. This will restore Australia's ability to protect its borders properly by stopping the shipment of illegal firearms and other illegal substances and goods. I was pleased to see the new Prime Minister announce before the election tough new laws for gun runners. They are welcome, and will make a real difference in the fight against gun crime. Gun runners attempting to smuggle firearms into Australia will face a minimum sentence of five years in jail. These are real reforms that will make a real difference in this fight. All the problems happened on the watch of those opposite—yes, it was Federal Labor but those opposite are also responsible. It was not just Federal Labor. Let us take a look at State Labor's record in this area. Let us roll back the years to 1997—to the salad days of the Carr Government—

**Mr John Robertson:** Point of order: I ask that the member be drawn back to the leave of the bill. The record of the previous Government is beyond the scope of the legislation.

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

**Mr ANDREW GEE:** Those opposite do not like it because they know they have an appalling record in this area. In 1997, under Premier Carr and police Minister Whelan, there were 197 offences of unlawfully discharge firearm and 55 offences of discharge firearm into premises—a total of 252. In 1998 there were 238 such offences. In 1999 the total was 230. The list goes on. In 2000 there were 315, and in 2001 there were 360. In 2002, under Premier Carr and Minister Costa—we remember that regime—there were 297. In 2003, under Premier Carr and Ministers Costa and Watkins, there were 306 offences. In 2004, under Premier Carr and Minister Watkins, the total figure was 237. In 2005 the total was 208. In 2006, the Iemma-Scully-Watkins era, the total was 250. In 2007, in the Iemma-Watkins-Campbell era, there were 231. We had a nice little jump in 2008 to 260. The list continues, and it all happened on Labor's watch. So members

opposite should not come into this Chamber and give us their holier-than-thou righteous thunder; they are arrant hypocrites who have an appalling record on this issue—and they know it. A previous speaker said that it is a resourcing issue.

**Mr Troy Grant:** Toongabbie.

**Mr ANDREW GEE:** It was the member for Toongabbie. If we look at the operational capacity of commands in areas where incidents are occurring, we will see how well those police are resourced in terms of their operational percentage, especially in the north-west metropolitan region. The Blacktown Local Area Command is at 96 per cent operational capacity. The list goes on and on, throughout New South Wales. This Government has a fine record of properly resourcing police in New South Wales. That record includes appointing an additional 420 police, giving police additional powers to crack down on gun-related crime, strengthened consorting offences and tougher shooting penalties. We have tightened regulations governing the supply of ammunition. We have legislated for outlaw motorcycle gangs to be declared criminal organisations. We have called in the New South Wales Crime Commission, which has royal commission-style powers to compel witnesses to cooperate with investigators. We have introduced a licensing scheme with stringent probity checks for owners and operators of tattoo parlours.

We have been trying for many years to stop the Federal Labor Government dismantling the Customs Service. Fortunately, the electors have dismantled the Federal Labor Government and we will now get key reform in that area. We have banned bikies from wearing their colours in 58 venues and have stopped criminals from putting forward ambush defences. This bill is poorly thought-out. In my view it is a fig leaf in an attempt to hide years of inaction and failure by those opposite, at both State and Federal levels. Previous speakers have outlined the many failings in this bill. The bill does not limit appeals to the Administrative Decisions Tribunal, which is a main concern of police. If police are required to argue each case for imposing a firearms prohibition order on a person before the Administrative Decisions Tribunal, it will not happen. The list goes on. There is no exemption for being in the company of a police officer or other law enforcement officers. Under this bill, if a police officer approaches a person subject to an order, that person may as a result be liable for this offence and face a penalty of five years imprisonment. The Opposition has clearly not thought this bill through. I could go on at length about its flaws, but at the end of the day we have seen breathtaking hypocrisy from those opposite.

**Dr Geoff Lee:** Breathtaking.

**Mr ANDREW GEE:** It is breathtaking. I thank the member for Parramatta for joining me in pointing out that hypocrisy. The bill proposes new section 74 (10).

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! It being before 11.30 a.m., the House will now proceed to the consideration of General Business Notices of Motions (General Notices).

**Mr MICHAEL DALEY (Maroubra)** [11.26 a.m.]: I seek leave to move a motion to suspend standing orders to allow the continuation of this debate until its conclusion.

**Leave not granted.**

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

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**General Business Notice of Motion (General Notice) No. 2532 postponed by Mrs Roza Sage and set down as an order of the day for a future day.**

## **COOKS RIVER WATER QUALITY**

**Ms LINDA BURNEY (Canterbury)** [11.28 a.m.]: I move:

That this House:

- (1) Notes the value the community places on the Cooks River and its surroundings as an environmental and recreational resource to be cherished and protected.



- (2) Notes the poor quality of water in the Cooks River, in particular the raw sewage responsible for high concentrations of *E. coli* that are harmful to the river, preventing a range of recreational pursuits such as swimming and boating.
- (3) Calls on the Minister for the Environment to immediately limit the sewage flows into the Cooks River such that levels of *E. coli* and other indicators of human pathogens are reduced to levels safe for swimming and boating activities.

The Cooks River Valley Association and the local community have worked hard over a number of years regenerating the Cooks River, all the while fostering a great sense of community pride in what the power of people can achieve. The surrounding parks are used constantly by school groups, church groups and the local community. It would be wonderful if water activities, such as swimming, fishing and boating, were an option to entice even more diverse groups and cultures back to the beautiful Cooks River. In the 1930s the famous swimmer Fanny Durack spent many hours honing her swimming skills in the Cooks River. Unfortunately, this is no longer an option for the local community and any budding local swimming stars. Mudcrabs is a local community group consisting of over 500 people who care for the Cooks River, particularly its foreshore, by collecting dumped rubbish and restoring the bush along the riverbanks. Canterbury City Council has taken a keen interest also in the volunteer work of Mudcrabs by providing the group with bags, rubbish grabbers, tools, gloves and so forth to collect that rubbish.

In the eight years Mudcrabs has been active it has removed more than 10,000 bags of litter from the river, and 2,500 bags of weeds, and planted 12,000 native trees and shrubs at bush restoration sites. The current high levels of *E. coli* and other bacteria in the river are caused by sewage contamination. We call for that contamination to stop and ask the Minister for the Environment to become involved in reducing the river's *E. coli* levels. A petition with more than 2,200 signatures presented to the House stated:

1. The value the people place on the Cooks River and its surroundings as an environmental, social and recreational resource to be cherished and protected, and
2. The poor quality of water in the Cooks River in particular the raw sewage responsible for high concentrations of *E. coli* and other indicators of human pathogens which are harmful to the River and prevent a range of recreational opportunities including swimming and boating.

We ask the O'Farrell Government, and particularly Minister Parker, to become involved in containing the flow of sewage into the river. We acknowledge that this is a complex issue with no easy political fix, but we are not making a political point. Many local government areas along the river, including Canterbury and Marrickville councils, have done much work on the river, as have previous State and Federal governments. Of course, as the Cooks River flows into Botany Bay, I believe something like 13 local government areas abut its foreshores. We understand that resolving this matter is really about three governments working together. The Cooks River holds a special place in the hearts and minds of people in the Canterbury electorate.

The Cooks River is very much a part of environmental history, but also part of the social and emotional history of the Canterbury electorate. Pollution in the Cooks River has occurred over a long period and is very intense. In the past, some parts of the river's ecology were destroyed by industrial sites along its course. Of course, back in those days we did not understand the long-term effects of dumping dangerous substances into the river. When I was first elected as member for Canterbury I started an initiative that held an annual seminar on the Cooks River. One thing that struck me from those seminars was that senior people would come along and recount with great fondness that as children they could swim and use the river as one would think rivers normally are used. But the contamination, levels of iron and so forth on the river bed make it so dangerous. Dredging is not an option as disturbing the river bed would have dreadful effects not only on the environment but also on the river's ecosystems and biodiversity.

The essence of this motion really is that an enormous amount of rehabilitative work can be done to contain sewage contamination of the river. Of course, adding to the problem is the age and nature of the pipes in those very old parts of Sydney, many of which leak underground. However, the prominence of the Cooks River through the activity and investment of community groups, particularly the Cooks River Valley Association and Mudcrabs that I mentioned, is growing a sense of pride and importance in our area. I walk along the Cooks River foreshore many times a week and see the contamination and pollution in the river. The river foreshores are used extensively by the local community for biking, sports, and family events and, of course, exercise. This river really is taking pride of place in our community.

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [11.35 a.m.]: I thank the member for Canterbury for her interest in this issue. I share her view that the Cooks River is a valuable resource to be cherished and protected. But the balance of the member for Canterbury's motion proceeds on some misconceptions about what is being done to address the sewage pollution in the Cooks River. Therefore, I move:

That the motion be amended by leaving out paragraphs (2) and (3) with a view to inserting instead:

- (2) Acknowledges the \$17 million contribution of the Government towards improving the Cooks River.

In 1770, Captain Cook noted that the Cooks River was a very fine stream of water to make settlement a possibility. But its subsequent degradation is the legacy of many decades, even centuries, of human activity. Contamination issues in the river sediments are significant. Sewage contamination in the Cooks River has a number of sources. No sewage treatment plants directly discharge or bypass effluent into the waterways of the catchment, therefore any sewage entering the catchment is likely to be leakage from sewer pipes or sewage overflows. Sydney Water has about 1,400 kilometres of sewers in the Cooks River catchment and there is a similar length of private sewers, which are the responsibility of property owners. The presence of faecal coliforms may indicate leaks from private or public sewers, but that does not mean the source is nearby; it is more likely to mean a leak upstream, which can be difficult to find because all small pipelines are underground.

The Government already is working hard with the community, industry and local councils to improve the water quality of the Cooks River. The Environment Protection Authority regulates Sydney Water's activities through environment protection licences, which require Sydney Water to undertake considerable monitoring and reporting, and also specify a range of programs, studies and works that must be carried out. On the other hand, private sewer pipes are regulated by local councils. Sydney Water has ongoing programs to address sewage overflows and leakage from all of its sewage treatment systems. These programs identify leaks, monitor waterways, investigate the source of any contamination and undertake works to fix them. Other programs address the number of sewerage system overflows and set targets and limits of overflows permitted from the system. Over the past four years the number of dry weather overflows affecting the Cooks River catchment has decreased. The Government aims to further reduce these numbers.

Monitoring is conducted at all of the 210 large stormwater drains across Sydney, the Illawarra and the Blue Mountains areas. Sydney Water conducts routine monitoring of 19 stormwater drains flowing to the Cooks River. The New South Wales Government through Sydney Water is spending \$17 million on improving the Cooks River—\$9 million on the Cooks River Bank Naturalisation Project, \$6 million removing sediment and other waste, and \$2 million on ongoing maintenance. The \$9 million Cooks River Bank Naturalisation Project will naturalise about 1.1 kilometres of the Cooks River banks at three sites: first, Belfield, upstream of Second Avenue; second, Campsie between Flockhart Park and Beamish Street; and third, Canterbury, adjoining the recently completed Cup and Saucer Wetlands. Construction has begun and should be finished by June next year.

Naturalisation involves removing the deteriorated concrete lining of the banks and creating a more natural environment. Approximately 80,000 native plants will be planted as part of the naturalisation works. Sydney Water recently undertook a \$6 million project to remove over 10,000 tonnes of sediment and other waste from the Cooks River. The project took eight months to complete and was carried out by Sydney Water and Veolia Water Network Services. The flow of water will improve as a result of this work, which will in turn benefit the health of the river and reduce the risk of local flooding. The Cooks River will be noticeably cleaner. Sydney Water has an ongoing maintenance program for the Cooks River and plans to spend a further \$2 million over the next three years. Sydney Water will continue to implement the sewer leakage reduction program. Sydney Water also will be interested in partnering with councils along the Cooks River to trial increased monitoring to the outlets of all stormwater drains discharging to the waterways.

This approach has been trialled in the Manly local government area and in the Parramatta central business district and has been acknowledged as a model for Sydney Water and councils to work together to address issues. The Government recognises that there is more work to do, particularly on sewage overflows during wet weather. That is why the Environment Protection Authority is requiring Sydney Water to develop a new approach for managing wet weather sewage overflows that is more targeted than previous programs. This will ensure that reductions in leakage and overflows will be prioritised in areas where there will be the greatest benefit for the community and the environment. Local councils are active in protecting the health of the Cooks River and are working with Sydney Water to identify and address problems in a timely fashion. The Environment Protection Authority is also involved in the Cooks River Alliance forum—of which Sydney Water is a key player—which aims to ensure holistic management of the Cooks River.

Earlier in the year on an inspection of the Cooks River I saw not only the state of the river but the state of stormwater drains. It is an important potential recreational resource for the community and more work needs to be done on this valuable resource. The Government has acted by introducing a \$17-million program to address the state of the Cooks River. The New South Wales Government is committed to involving multiple agencies and the community to work in partnership. It expects that the water quality of the Cooks River will continue to improve through the regulatory and strategic programs that have been put in place within local and State governments.

**Mr MARK COURE** (Oatley) [11.42 a.m.]: I thank the member for Canterbury for her interest in this issue. I share the member's views that the Cooks River is an important resource and work needs to be done to protect the river for future generations. This Government is already working hard with the community and local councils to make this happen. Last week the Minister for Finance and Services, the Hon. Andrew Constance, marked the construction of the \$9 million project to rejuvenate the Cooks River. The Cooks River Bank Naturalisation Project will result in 1.1 kilometres of declining concrete slabs along the riverbanks at Canterbury, Campsie and Belfield being naturalised with sandstone and native plants. This is a big win for those who live along on the Cooks River and use it to enjoy walking or running. Almost every Saturday morning my wife and I exercise by walking around Cooks River.

This project is an opportunity to improve the river's health. It is a significant investment, which will improve the foreshore area and the river's health. As we heard from speakers on both sides, it is a partnership of key local councils, State government agencies, service providers, local environmental groups and, more importantly, local residents, who have been working with Sydney Water on the planning and design of the project. This is in addition to the announcement by the New South Wales Government earlier this year that \$17 million will be provided to improve the riverbanks of the Cooks River. As part of this, Sydney Water has already completed a \$6 million project that improved the Cooks River by removing 10,000 tonnes of sediment from the riverbed. I am advised that Sydney Water and its partner, Veolia Water Network Services, undertook the work in April last year to improve the flow of water, reduce the risk of local flooding and enhance the river's health. The work was carried out using earthmoving trucks and excavators to dig sediment from the channel at low tide. The equipment has since been removed and I commend Sydney Water for its efforts to ensure that both parks were fully restored for the community to use.

As we heard from previous speakers, for more than 130 years the Cooks River has experienced the impact of industry and urbanisation on its catchment. Added to this was the decision in the 1930s to improve and formalise the river by lining it with concrete. Despite this, the Cooks River remains an important part of Sydney's heritage and continues to provide recreational areas for local residents. In late January, Sydney Water awarded a contract to naturalise over one kilometre of the riverbank along the Cooks River. As I have mentioned, the Minister for Finance and Services recently announced the commencement of the \$9 million construction of the Cooks River Bank Naturalisation Project. The project will improve stormwater management in the area, as well as the river environment for plants and animals.

The project was developed in partnership with the Sydney Metropolitan Catchment Authority, local councils, local land and water managers, and the local community. The naturalisation creates a softer landscape feel and can greatly improve the riverbank habitat for native birds and animals by replacing the deteriorated steep concrete channel banks and creating a more gently sloping bank, which will be stabilised with native plants, trees and rocks. Sydney Water also has an active sewer leakage reduction program. A similar program is being used for the Georges River. The program is designed to find and fix sewage leakages to waterways. I am advised that a major level of leakage has never been found from any of the 19 stormwater drains monitored in the Cooks River catchment. The wetland has helped to alert Sydney Water to numerous pollution instances that council and Sydney Water have traced back to illegal discharges— [*Time expired.*]

**Ms LINDA BURNEY** (Canterbury) [11.46 a.m.], in reply: I thank the member for Oatley and the member for Cronulla for their contributions to this debate. Many members on both sides of the House have great concerns about the river because it flows through many local government areas and electorates. I do not doubt anyone's passion for wanting to see an improvement in the water quality and recreational areas of the Cooks River. Much work has been done at all levels of government, local, State and Federal. I have now been the member for Canterbury for 10 years—I am starting to feel like one of the longer-serving members in the House—and have lived one block from the river since the late 1990s.

I have watched the water quality of the river improve and particularly the surrounds of the river. This is one of the reasons I felt strongly about bringing this motion to the attention of the House. The member for Cronulla has moved an amendment. Unfortunately, we will not be able to accept the amendment because it takes away two important points concerning *E. coli* and the call for the Minister for the Environment to become more involved in limiting the flow of sewage into the river. I do not deny for one moment that this Government has invested in the river but accepting that amendment will take away the whole intent of the motion. However, I thank members opposite for their contributions to the debate.

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

**The House divided.**

**Ayes, 61**

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

**Noes, 20**

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

**Pairs**

|             |            |
|-------------|------------|
| Mr Cornwell | Ms Burton  |
| Mr Fraser   | Ms Hornery |
| Ms Gibbons  | Ms Watson  |

**Question resolved in the affirmative.**

**Amendment agreed to.**

**Motion as amended agreed to.**

**BUSINESS OF THE HOUSE****Business Lapsed**

**General Business Notice of Motion (General Notice) No. 2538 called on and, pursuant to Standing Order 99, lapsed.**

**INGLEBURN HIGH SCHOOL BEACON PROGRAM**

**Mr BRYAN DOYLE** (Campbelltown) [12.01 p.m.]: I move:

That this House:

- (1) Congratulates Ingleburn High School and the Beacon Foundation on the Beacon Program.
- (2) Notes that the Beacon Business Breakfast was held at Ingleburn High School on 12 March 2013.
- (3) Notes the commitment of the students to further their studies and seek employment as part of the Beacon Program.

The Beacon program has operated for about 25 years through the Beacon Foundation, which started in Tasmania. The vision of the Beacon Foundation is for an Australia in which our young people have the desire, the motivation and the opportunity to reach their full potential. The mission of the Beacon Foundation is to influence the attitudes and culture of Australians so that each young person develops an independent will to achieve personal success through gainful activities for themselves and their community. Through self-help and enterprise, the Beacon Foundation aims to achieve that vision at a community level.

The Beacon Foundation program operates in two schools I am associated with: Ingleburn High School and Eagle Vale High School. My good friend Michael Wiecek, the principal at Ingleburn High School, will be retiring today after 38 years of illustrious service to education. I am honoured to be attending his farewell dinner tonight. Michael Wiecek is a true gentleman and a wonderful educator, and I am very much the better for having known and been involved with him through Ingleburn High School. The Beacon Foundation also engages with Eagle Vale High School, where the principal, Robert Duncan, does a wonderful job. Jane Artup, the New South Wales State Manager of the Beacon Foundation, has supported each of these schools.

The Beacon Foundation works through the power of its relationship with the schools. It aims to inspire and motivate young people and put them on a positive pathway by connecting them with the whole community. This is done through a commitment to ongoing education and the will of students to seek employment. Some 98.7 per cent of the students who have undertaken the Beacon program were fully engaged in work, education or training nine months after completing year 10. This is 11.6 per cent higher than the national average for 16- to 17-year-olds from low socioeconomic communities. The Beacon Foundation also believes in school retention and that a student's engagement in learning at school is pivotal to his or her future success. In this regard, 96.8 per cent of students undertaking Beacon programs are still in education some nine months after completing year 10. The Beacon Foundation knows the importance of a student's desire to look for work and that young people who leave education without the security of employment are at risk of long-term disadvantage. The tailored careers education program that the Beacon Foundation runs reduces the number of school students leaving school without a pathway to work.

The Beacon Foundation strongly believes that schools should be the centre of communities and engages schools by building strong business and industry relationships to improve employment opportunities. I had the privilege of attending the Beacon program business breakfasts at both Ingleburn High School and Eagle Vale High School. These events were attended by students, who acted as hosts, teachers, business leaders and community leaders. As part of the Beacon program students are required to take a pledge—something that is not often done these days. Students take the Beacon pledge that they will personally take responsibility for furthering their education and for actively seeking employment. They sign this pledge in front of their fellow students, parents, teachers and community and business leaders. As I said to the group at Ingleburn High School when they signed their pledge, this is the first time in their lives that they have been asked to stand up in front of their parents and their community to show that they have what it takes.

I told the students that everyone in Australia has a family history of coming to Australia, and the purpose of those migrants coming here was to build a better life for themselves, their children and their grandchildren. I told these young people before they signed their pledge that they were the holders of the great legacy of those who came in the hope of building a better life. I told them that by signing this pledge they were saying to their community, parents and fellow students that they have what it takes to live up to that legacy—to be a proud Australian and to do your best. It is a very moving ceremony. The Beacon Foundation connects these students and schools to partnerships with local businesses and the community for mentoring, work opportunities and work experience. The Beacon Foundation provides mentoring for job interviews. For example, young people are advised about the right clothing to wear so that they are appropriately dressed and ready to go when called to attend an interview.

The Beacon Foundation and Jane Artup as State Manager do a wonderful job. The Beacon Foundation works with schools across New South Wales and Australia. I encourage other members who have the Beacon Foundation working in schools in their electorate to get involved. Again, I pay tribute to the principal of Ingleburn High School, Michael Wiecek, on his illustrious career of 38 years working in education and his devotion to training young people. I commend Ingleburn High School and Eagle Vale High School for becoming part of the Beacon Foundation program, and I commend the Beacon program to the House.

**Mr CLAYTON BARR** (Cessnock) [12.08 p.m.]: I am pleased to talk about the Beacon program. Currently, 2½ high schools in the electorate of Cessnock are running the Beacon program. The reason I say 2½ high schools is that one of those high schools is Francis Greenway High School, which is just outside my electorate. It is in the electorate of Maitland, but it draws students from the electorate of Cessnock. These three

schools have been running the Beacon Foundation program and they are doing incredibly well. Kurri Kurri High School kicked off its participation in the program by holding a large community breakfast. About 200 people attended, including representatives from more than 80 local businesses to show their support for the program and that that they were willing to provide the students with opportunities. They showed that they were willing to engage with the school and develop young people's talents to instil in them a sense of pride and credibility so they can go on to do great things.

The other schools followed suit by holding breakfasts to commence their programs. The program participants continue to do strong work in the local community. As the member for Campbelltown pointed out, the program is an incredibly effective way of saying to students that they can be whatever they want to be, go wherever they want to go and achieve whatever they want to achieve. I most recently engaged with the Beacon program at Cessnock High School, which has initiated the Beacon Polish program. Through that program, young people are exposed to a world of service, engagement and community interaction that they would not normally experience. As part of the Polish program, students are taken out to dinner and engage in training sessions in order to expose them to dining and service. The students also experience interacting with strangers, coming up with conversation and finding a way to meet new people and engage, listen and talk to them. All the while they are building their self-esteem and self-confidence.

Two weeks ago I attended a Polish luncheon with 13 students from the Cessnock township, which is immediately adjacent to the Hunter Valley vineyards. The vineyards are a large employer in the community that I represent. The Polish program is a great way to expose students to the skills and qualities they will need to work in that industry in the future. The students learn the importance of experience, cleanliness and manners; they learn about the skills they will need to be able to approach a table of diners and say, "I am here to serve you." They learn the importance of being willing to smile and say "please" and "thank you". They also learn that they must try to make the dining experience of even the most difficult customer as pleasurable and wonderful as possible. To do that well is an art.

Some people may think that a hospitality worker just carries plates out of the kitchen, drops them on the table and walks away until people put up their hand and ask for another drink or whatever else they would like. The art of service starts with having enough self-confidence to walk up to a table of diners and be willing to totally engage in fulfilling the needs of the group. The Beacon Foundation Polish program is teaching precisely that concept to the students at Cessnock High School. We had a lovely meal the other day. As I spoke to the students I learnt that some of them were interested in becoming mechanics, hairdressers and working in reception. One young girl wanted to be a visual artist and another young girl wanted to be a musical artist.

They had a diverse range of goals, but they saw that the path to achieving their goals would include casual or part-time work in the service and hospitality industries in the Hunter Valley vineyards. They recognised that work in that field was an ideal way in which to make some money to help them chase their dreams. Through their involvement in the Polish program, they also knew that while working in the hospitality industry they would have to test themselves and strive to meet the needs of the customer as they endeavoured to make their social experience as pleasant as possible. The Beacon Foundation continues to go from strength to strength as it increases its network of contacts and spreads across the country. It was founded in Tasmania, as were many wonderful things in this country.

**Mr Andrew Gee:** Ricky Ponting.

**Mr CLAYTON BARR:** Ricky Ponting is another example. Established in the great State of Tasmania, the Beacon Foundation now runs programs in most of mainland Australia. I commend the member for Campbelltown for bringing this important motion to the House. I commend the schools and students who participate in Beacon Foundation programs and wish them all the best of success.

**Mr BRYAN DOYLE** (Campbelltown) [12.15 p.m.], in reply: I thank my friend the member for Cessnock for his contribution.

**Mr Mark Coure:** You're friends now?

**Mr BRYAN DOYLE:** Even though he is on the other side, the member for Cessnock is not a bad fellow. I am a great believer that members are elected to represent their community and that there is great dignity in being a member of Parliament. I thank the member for Cessnock for joining with me to support this motion, which I anticipate will be agreed to by this House because it supports our schoolchildren. As I noted, Ingleburn High School and Eagle Vale High School in my area engage with the Beacon Foundation project to

provide our youth with a clearer view of what they can achieve. As the member for Cessnock said, people can achieve anything and the Beacon Foundation program helps each student to be the best they can be. The program encourages students to work towards and achieve their vocation. Like the Beacon Foundation members, I am a firm believer that each of us has special skills and talents. If we do not use our skills and talents we are poorer for it as individuals and as a community.

The Beacon Foundation highlights the sense of gratitude that we all should have. Those who feel grateful for the work others have done before them do not take things for granted; they take care of what they and their community have. The Beacon Foundation program is also about relationships. It makes schools the centre of the community and provides partnerships in which business and community leaders can engage with our youth, be appropriate role models and provide them with guidance. Many of us in this Chamber had the advice of a mentor to steer us in the right direction when we first started education, work or training. For my part, I would not be a member of Parliament if not for the advice I received from Pat Farmer, the former member for Macarthur. He asked me if I had ever thought about running for politics, because he could see in me the qualities that would make a good local member. I hope that I have been able to live up to his standards.

Similarly, in our schools the Beacon Foundation helps students who may not have had the advantages we have had to find the greatness that exists within them. It helps them identify their skills and talents and lets them know that they are part of a community that cares about them. The programs provide them with opportunities to work hard, grow and excel. My father always taught me that people should take pride in the work of their hands and that it was a grievous sin to produce poor work. That is true. I commend the Beacon Foundation program at Ingleburn and Eagle Vale high schools. I thank the member for Cessnock for his wonderful contribution and commend the motion to the House.

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

**Motion agreed to.**

## **BUSINESS OF THE HOUSE**

### **Business Lapsed**

**General Business Notice of Motion (General Notice) No. 2540 called on and, pursuant to Standing Order 99, lapsed.**

## **SHELLHARBOUR RELAY FOR LIFE**

**Mr GARETH WARD** (Kiama) [12.20 p.m.]: I move:

That this House:

- (1) Commends the organisers of the Shellharbour Relay For Life held on 9 and 10 March 2013.
- (2) Congratulates all those local residents who participated as survivors, carers and supporters.
- (3) Acknowledges the wonderful work the NSW Cancer Council does to support sufferers and families who are fighting their battle with cancer.

I was very pleased to participate in the annual Shellharbour Relay For Life at Albion Park Showground to raise important funds for the NSW Cancer Council and, in particular, for cancer research. A total of 580 participants from 43 different teams took part in 2013. I am very pleased to report that the large sum of \$69,469 was raised at this year's event. The organiser, Terry Deegan, and the Shellharbour Relay For Life committee should be extremely proud of their efforts since the event in 2012, when they raised \$79,000. I acknowledge committee members Jenny Jones and Kath Hill, who urge the community to get behind the event each year. Mrs Hill was diagnosed with throat cancer in 1989. However, she was given the all clear in 1994. She lost her mother to cancer, while both her brothers have survived prostate cancer. She takes part in the survivors' walk each year. In February 2013, prior to this year's event, Mrs Hill told the *Lake Times*:

Cancer has had a major effect on my life; so many of my wonderful friends have been lost to it as well ...

This event has wonderful community spirit.

Albion Park is a community-minded place.

I've lived there all my life. When somebody needs something, we get behind it!

Mrs Jones, who is the owner of the Danze Gallery at Albion Park, encouraged the community to work together to defeat cancer. She stated:

As a parent, sister and friend of current cancer patients, I know that the only way to improve outcomes is to raise funds for research and support and to spread the message about leading a healthy lifestyle.

I was pleased to once again join with the member for Shellharbour, Anna Watson, because both of us support cancer research and the Relay For Life. I acknowledge the attendance and support of the then Liberal candidate and now member for Gilmore, Ann Sudmalis, for this event. Relay For Life is all about providing hope for a brighter cancer-free future for ourselves and for those we love. Unfortunately, the statistics indicate that each of our lives has been or will be touched by cancer; mine certainly has been, with my mother being a survivor of breast cancer. I remember the long trips between home and Wollongong to ensure that my mother received the treatment she needed. It is a trip that is known only too well to many people who live in the Shoalhaven region.

Later this year the Speaker of the House, who is the member for South Coast and who is present in the Chamber, other community members and I will open the new cancer care centre for which all of us have fought hard, particularly the member for South Coast both in opposition and in government. The member for South Coast has been a leader in that campaign and I know that many cancer sufferers in the South Coast region have the member for South Coast to thank in particular for her advocacy for the creation of the centre. Because of that, many people will not have to make that long and arduous journey for treatment. I also acknowledge the presence in the Chamber of the member for Wollongong and note that in the Illawarra we are seeing improvements to cancer services through the investment of approximately \$14 million in oncological services to upgrade services that are certainly desperately needed.

One in two people diagnosed with cancer is one too many. That is why I am only too happy to play my small part each year to support the Shellharbour Relay For Life, along with the Kiama and Shoalhaven Relay For Life. The relays are fantastic community events. I know members from all sides of politics in this place get behind the relays in their own electorate and will continue to support them. When I previously moved a motion on the Kiama Relay For Life, I recall the member for Wollongong contributing to that debate. All of us have our stories. Indeed, I lost my uncle and grandfather to cancer. I never really got to know my uncle but I knew my grandfather until I was in year 6. Both of them were taken far too early and far too young. I hope that improvements occurring throughout the State, particularly in the regions, will make a huge difference in ensuring that more survivors take part in the very important survivors' walks. Recently I walked with the member for South Coast in the Shoalhaven Relay For Life. I am sure the member for South Coast will discuss that.

One of the things I look forward to is the morning tea after the survivors' walk because we get to talk to people who have contributed enormously to fundraising and organising the Relay For Life. The committees and people who get behind the relays are always so enthusiastic about doing something for their community and raising funds. As someone who spends the whole 24 hours walking the track each year, I know that every contribution is certainly welcome. I also acknowledge Toby Dawson from the Cancer Council in Wollongong who is one of the region's most inspirational fundraisers and campaigners for Relay For Life. He does such a great job in advancing the cause for Relay For Life, as well as so many of the other programs conducted by the Cancer Council, such as its SunSmart Program and school and anti-smoking campaigns. Toby and the Cancer Council have done a brilliant job on advocacy for the cause and by promoting Relay For Life.

Each year I enjoy the Kiama Relay For Life. Steve Dalton and his wife, whom I have acknowledged in this House previously, have done a great job of organising the Kiama relays. Three Relay For Life events in my electorate are certainly a great number, but I enjoy participating in every single one of them and seeing local people who tell their stories, remember their loved ones and who, most importantly, make a contribution to this most important and noble cause. This type of motion unites all members of this House. We assemble to debate issues that are important to the State. I acknowledge all the doctors and nurses who work in the Department of Health and all the volunteers, such as my dad who drives a bus to assist cancer patients who need transportation. All those involved in the fight against cancer make a contribution in small or great ways.

Members of this House have made great contributions to support cancer research and improvements in the provision of oncological services in our local communities. I commend this motion to the House. I thank members in anticipation of their contribution to the debate. I hope members will continue to support the Cancer Council, cancer foundations and, importantly, Relay For Life, which provides hope to those who are suffering, remembers those we have lost, and continues to be a campaign to fight for funds for future research that is so important.



**Ms NOREEN HAY** (Wollongong) [12.27 p.m.]: I support the member for Kiama and congratulate him on moving the motion. The motion commends the organisers of the Shellharbour Relay For Life that was held on 9 and 10 March 2013 and congratulates all local residents who participated as survivors, carers and supporters. The Wollongong Relay For Life and the Cancer Council, as the member for Kiama so rightly said, do a magnificent job. I have marched many times with the Wollongong Relay For Life over many years as a survivor. I had a malignant melanoma and lost my mother to cancer, as well as a number of other family members. There is not a family anywhere that has not been touched by cancer. All of us on both sides of politics agree that cancer does not discriminate. As the member for Kiama also said, we must all lobby and work together to direct as much funding and support as possible towards research and deliberations to find cures, as well as to support cancer survivors and those who have lost loved ones to cancer.

I also acknowledge the volunteers and the great work they do. I recognise that the member for South Coast has been a strong supporter of the Cancer Council for many years. When Labor was in government I attended the South Coast event. The Relay For Life is one of the rare occasions when a bipartisan approach is adopted and when we recognise that there are not only people requiring support and assistance but also volunteers deserving of recognition. The volunteers at Wollongong Hospital are amazing. I extend my support for the motion of the member for Kiama to all relays for life. I congratulate the Cancer Council on its wonderful work and encourage as many people as possible to get involved in relays for life to show those affected by cancer that others care about them and want to help and support them. We do not take a partisan approach to this issue. The Cancer Council and cancer sufferers benefit, and the volunteers deserve recognition. Volunteers do not seek recognition but I think we should acknowledge their efforts every chance we get. The Cancer Council does a magnificent job in Wollongong and throughout the Illawarra. I am happy to do what I can to assist the Cancer Council and relays for life, and I encourage as many people as possible to become involved.

**Mrs SHELLEY HANCOCK** (South Coast—The Speaker) [12.31 p.m.]: It gives me great pleasure this afternoon to support the motion of my colleague, the member for Kiama, regarding the Shellharbour Relay For Life. I congratulate him, as I think most members of Parliament do, on getting involved in events and issues that matter the most in our communities and our electorates. Such events involve the community coming together and working for a common cause. There will be no arguments in this debate. We work in a bipartisan manner on many matters. The member for Wollongong spoke of her support for Relay For Life in her area and the member for Kiama is heavily involved with relays in Shellharbour and Shoalhaven. There is no argument about our support for this cause. The member for Kiama is committed to causes such as this and very much involved in his community. I thank him for his kind remarks about my advocacy for the cancer centre in Shoalhaven, of which he and I are extremely proud.

The cancer centre is funded by the Federal Government and the State Government, and receives significant support from the council, the Shoalhaven Linear Accelerator Committee and the community, which has raised much money for the centre. This community is not well-off by any means, but when the chips are down people come together. As to motion, the Shoalhaven Relay for Life is organised by an extraordinary group of people who have been operating for 10 years. This year I think they raised something like \$320,000. However, over 10 years \$1.8 million has been raised by people walking or riding their bikes—I remember one year the Federal member and I travelled on scooters around the circuit at the Nowra showground. The relay started 10 years ago with a few hundred supporters and a few tents at Nowra showground. Now the showground is a mass of tents and thousands of people participate.

As the member for Kiama said, it is most moving when we meet for morning tea or we join the sunset walk and remember those—our families and friends—who have been affected by the terrible scourge of cancer. The Cancer Council is recognised in our community as raising funds for cancer prevention, ongoing research and cure. I pay particular tribute to the Shoalhaven Relay For Life because some great teams entered this year and they need to get credit for their efforts. Team Suzie, led by Toondra Keogh, raised an impressive \$28,889. That is a lot of sponsorship. My team was competing to the end, but did not raise quite that much money. Team Tutti Frutti Freesias raised \$19,578.75 and the Cure Walkers raised \$18,469.35. Those figures are astounding. Every time we need the community to come together, they pitch in. Whether it is \$5, \$10 or \$50, people are prepared to contribute to magnificent causes such as the Cancer Council and the cure that will ultimately be found.

I thank the current committee chairman, Greg Brennan, and past chairs Ralph Cook, Bill Ryan, Geoff Werry and Phil Smith, who have worked so hard over a long period. I also congratulate the Milton-Ulladulla Relay For Life. While they are in my electorate, they are located some distance from Nowra, to which teams would travel to participate in the relay. Now they have their own relay, which is in its third year. The top

fundraising teams were Team Cindy, which raised \$8,804.10, and Team Ness, which raised \$7,533.40. They had 774 participants and, knowing Milton-Ulladulla as I do, I am sure this number will continue to grow. I congratulate the member for Kiama on involving himself in events that are important to our communities, our electorates and this country.

**Ms TANIA MIHAILUK** (Bankstown) [12.35 p.m.]: I commend the member for Kiama for moving this motion. As the Speaker, the member for Kiama and the member for Wollongong indicated, there is bipartisan support for this motion. I take this opportunity to commend the organisers of the Shellharbour Relay For Life and also commend the Bankstown Relay For Life organisers. We are blessed in the community of Bankstown to have had a strong Relay For Life committee for several years. It is currently chaired by Koula Thanbyah, and was previously chaired by the general manager of Torch Publishing, Trent Engisch, and by Wayne Trotman before him. The Bankstown relay has had several patrons, including Jason Clare, the member for Blaxland, and the former member for Bankstown, Tony Stewart. I also take the opportunity to acknowledge the member for East Hills, who is a strong and passionate advocate for Bankstown Relay For Life.

The council supports our Relay For Life, as do people of all political persuasions. As Mayor of Bankstown, I had the opportunity to do some fundraising for Relay For Life, and we raised \$60,000 at a mayoral dinner. Time and time again I have seen local businesses support the Relay For Life. Schools, community groups and organisations, representatives of different religious organisations and the local media are also passionate advocates of the Bankstown Relay For Life. The motion also acknowledges the wonderful work of the Cancer Council NSW, to which I pay tribute. Over the years, apart from raising much-needed funds for research, the council has devoted a great deal of energy and enthusiasm to awareness programs and advocacy. I have had the opportunity to work with the Cancer Council on anti-smoking legislation. It is a very strong advocate for ensuring that Parliament legislates against smoking in parks and sporting fields and, down the track, outdoor dining areas.

I commend the work of the New South Wales Cancer Council. We could all share stories and experiences of family and friends who have suffered from cancer or passed away, and I think we share the same motivation: We want to find a cure for cancer and better treatment and prevention strategies. I commend the member for Kiama for his passion and for moving this motion. He has supported Shellharbour Relay For Life and many other relays for several years, and I have noticed from his speeches in Parliament that he is keen to support charitable organisations and initiatives. Well done to the member for Kiama.

**Mr MARK COURE** (Oatley) [12.39 p.m.]: I am pleased to contribute to the debate on the motion moved by my good friend the member for Kiama. I thank him and the member for Shellharbour for their participation in this year's Shellharbour Relay For Life. The money raised certainly goes to a great cause—the Cancer Council—along with money raised by the many other relays for life that are held across this State. I understand that the Relay For Life journey began in 1985 in the United States, raising a significant amount of money. Since then, the Relay For Life organisation has extended across the globe to every major continent. I thank and acknowledge the thousands of volunteers at the many events held across New South Wales, Australia and the globe. Of course, as we have heard from previous speakers, the Relay For Life is a fun, outdoor—and in most cases overnight—event that raises much-needed money for the Cancer Council.

But more than that, relays for life celebrate and remember those lives lost to cancer. I have spoken many times about my mother, who died from cancer when I was quite young. Certainly that is one reason I became a strong supporter of the Cancer Council. In New South Wales more than 40,000 people participate each year in relays for life. These events are an amazing experience, involving spending the weekend with people from across communities and participating in teams to raise awareness of cancer and money for research. Many people participate in memory of a loved one. As previous speakers have said, we all know someone who has battled cancer—family, friends, neighbours, work colleagues—or who has passed away from cancer. Many people participate in the Relay For Life because they want to show that they have battled cancer and survived.

In 2004 I chaired the St George Relay For Life with the help of many in the local community, including, of course, the former member for Georges River, Kevin Greene, and many local identities, including Councillor Con Hindi, who is in the gallery today. The significant amount of money raised that year went to the Cancer Council to help raise awareness of the disease and for research. Let us not forget that some cancers are preventable. The member for Kiama spoke about the level of progress made for people suffering from this disease. Survival rates certainly are on the rise and medical research these days is significant, and in fact amazing. Hopefully, we will see a cure for cancer in our lifetime. I thank the Shellharbour Relay For Life for

holding yet another successful event. Last year the member for Keira moved a significant motion on this subject to which I spoke. Perhaps the challenge for me is to participate in the relay for life next year and to help the member for Kiama raise much-needed funds.

**Mr RYAN PARK** (Keira) [12.43 p.m.]: I make a brief contribution to the debate and acknowledge the motion of the member for Kiama. I acknowledge also the tragedy that he, the member for Oatley and others in this place experienced when cancer affected their lives. They have certainly made positive contributions in their respective communities, which is testament to how something positive can come from something negative. I have been a long-term supporter of the Cancer Council in the Illawarra region. I have attended numerous Relay For Life events in the Illawarra and Wollongong. They are always held on freezing-cold weekends at Beaton Park athletics track.

**Ms Tania Mihailuk:** And it rains.

**Mr RYAN PARK:** Inevitably at two or three o'clock in the morning the rain comes in sideways across the track. I am always happy to support the local community and the fabulous work of the Cancer Council. The council plays a key role not just in supporting those suffering from cancer, but also family and friends who are carers and supporters of those going through a difficult time. People will be aware that my predecessor, the former member for Keira, David Campbell, is currently experiencing a challenging period as his wife is gravely ill from cancer. I know that David has supported the Relay For Life and speaks highly of the men and women in the cancer centre in the Illawarra. I certainly hope that going forward we all, regardless of political persuasion, continue to support the great work of the Cancer Council and those cancer nurses, doctors and oncologists who treat people suffering from this terrible disease.

Certainly those of us with young children hope to see our society free from cancer or at least better cure rates. I hope my three-year-old son grows up in a society where many cancers are treatable or the prognosis for sufferers is a lot better. We can only achieve those aims through the work of the Cancer Council and other cancer prevention organisations and support agencies. My good friends the member for Kiama, the member for Wollongong, the member for Shellharbour, the member for Heathcote and I joined the Speaker to ensure that we had better-quality cancer facilities and services in our local region. We made a commitment to work in a bipartisan manner. I hope that commitment remains. No-one in this place is immune from this disease. No-one in this place has not been touched by it. Therefore, it is vital that we continue to support not only the work of the Cancer Council, but also each other, particularly when one or more of us experience difficult and challenging times with a loved one or, indeed, face an uphill battle ourselves. I thank the member for Kiama for moving this motion. He has the Opposition's full support. I thank the Cancer Council and all those involved in the Relay For Life organisation, especially those involved with the Wollongong event.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.47 p.m.], by leave: It is heartening to have a motion before this place that attracts support from both sides of the House. Cancer is an issue that unites us as a community. Today we are hearing how members of different political persuasions have joined to raise funds. Of course, one great event held yearly is the Cancer Council Relay For Life. I commend the member for Kiama for bringing this important motion to the House because Relay For Life has made a magnificent fundraising contribution over many years. Indeed, on 12 October I had the great honour to start this year's relay for life in Wagga Wagga. The town of Tumut also holds its regular relay for life. The Relay For Life benefits from lots of innovation and new ideas gained through committee changes. This year Bill Wood, a good friend of mine whom I have known for many years, is chairman of a vibrant committee that is instigating new ideas.

One idea is the "No Ball". The invitation is sent and you pay \$15 for a ticket and then stay home in your pyjamas on the night; you do not have to turn up. It is one of many innovative fundraising ideas. One in three people will be affected by cancer. I note particularly Madam Speaker, the member for Kiama and the other members who represent South Coast electorates who worked tirelessly to establish radiotherapy services in their region. I know a little about radiotherapy services. When I came to this place in 1999 the Riverina and Wagga Wagga communities embarked on a project to raise \$4 million to purchase two linear accelerators and to build a facility in which to house them. We raised \$3 million in 16 months and the final \$1 million was raised in the ensuing 12 months.

We partnered with St Vincent's Hospital oncology group and they installed the linear accelerators. They were upgraded after 10 years. When the Governor opened the unit in 2002 we had the latest technology in the Southern Hemisphere. I commend the Speaker, the member for Kiama and others, who fundraised, fought and worked hard. We hosted a committee, along with Paul Green, a member in another place who was a mayor on

the South Coast at the time. We showed them how we went about developing and ultimately achieving the goal of radiotherapy. That occurred long before grants and programs were in place. I take particular note of Tony Abbott, who gave us the health programs grants, which allow people to be treated in the radiotherapy centre. The other point is about partnership.

The public and private sectors got together and NSW Health, under then Minister Morris Iemma, signed an agreement to allow chemotherapy to be delivered in this private facility that had access to public patients. That was a great outcome. We continue to raise funds through this initiative. We continue to work together. There has been magnificent progress in treating cancer. The survival percentages are increasing—I think it is 66 per cent or 67 per cent now. The research that has been funded by the Cancer Council and others, and the support for cancer patients who are being treated, particularly in regional New South Wales, are helping to deliver better outcomes for the public in defeating this terrible illness that affects one in three.

**Mr GLENN BROOKES** (East Hills) [12.51 p.m.], by leave: I will make a short contribution in this debate on the Shellharbour Relay For Life. The participants in that event seem to be tireless. We come together in a bipartisan way to help to raise funds to fight this disease. I do not think there is a person that this disease has not touched. A good mate of mine, George Grey, is the hardest man I have ever known. He is now down to 65 kilograms because the disease is slowly eating him away. It is terrible to see such a strong-minded and physically strong person torn apart. I have another mate, Dave Beck, under whom my son played soccer. He is going through chemotherapy at the moment to treat cancer in his lower back. Hopefully everything will go well for him. My father-in-law has had prostate cancer. He is surviving it: He has been in remission for six or seven years.

It is important for us to come together to support the Cancer Council in its research to beat this disease. We must realise the importance of raising funds to help find a cure for this disease. Part of the money that we help to raise goes to finding cures for cancer. Bipartisanship on this issue—both sides supporting groups to find a cure for this disease—goes a long way to show that we are all out there working together. As the member for Bankstown said, we have done a lot of work in our electorates for Relay For Life. We have both been out there on Saturday mornings. It starts nice and early and finishes on Sunday.

At the last Relay For Life one gentleman who participated was 96 years of age. He completed 100 kilometres within the 24-hour period. He just wanted to keep walking. He could not talk to anyone—he was out of breath—but he just kept walking because he wanted to hit the magic 100 kilometres. Kids, middle-aged parents, teenagers and the elderly participate. They all get behind the event and support it. One little fellow in our area is only eight years of age. His dad, who is a fireman, is suffering with cancer. That little fellow helped to raise nearly \$30,000 for research. I thank the member for Kiama for bringing this issue to the House and for giving us an opportunity to speak to it.

**Mr GARETH WARD** (Kiama) [12.55 p.m.], in reply: I acknowledge in the gallery Peter Price from my electorate and my old mate Matt Philpott as well as Sam Tedeschi, who works for me in Parliament. I welcome them to the Parliament of New South Wales and thank them for being here today. I also thank my friends the member for Wollongong, the member for South Coast, the member for Bankstown, the member for Oatley, the member for Keira, the member for Wagga Wagga and the member for East Hills for their very considered and interesting contributions. There is no doubt that everybody has had some part of their lives touched by this insidious disease. I also acknowledge my friend at the table, the member for Bega and the Minister for Finance and Services, who participates in the Relay For Life at Eurobodalla and Bega. I commend his contributions and the contributions of all members from right around the State who have been participating in the Relay For Life.

There has been a lot of talk about cancer support. In my introductory remarks I mentioned the new cancer care centre at Shoalhaven—something that I and the member for South Coast have campaigned for for quite some time. This new linear accelerator will be a great facility. I commend the Lions linear accelerator committee and all of the service clubs from around the Shoalhaven that have worked tirelessly to raise \$1.7 million to go towards the accommodation component of that upgrade. I have no doubt that if it were not for the tenacity and determination of a very resolute and indefatigable Shoalhaven community that centre would not become a reality. I have no doubt that if it were not for the fervent advocacy of the Speaker and people like the Hon. Paul Green, MLC, in the other place that that reality would not have been achieved.

I note that, in the Illawarra, cancer services have always been something for which bipartisanship has been the focal point. The positron emissions tomography centre is shortly to be installed in Wollongong

Hospital. I tabled a petition of more than 10,000 signatures about that in October last year. That petition had my full support, as well as the support of the member for South Coast, the member for Shellharbour, the member for Wollongong, the member for Keira and the member for Heathcote. The installation of that equipment will mean that people will no longer have to leave our area for an important cancer treatment—a cancer device that will plan the cancer treatment of people in our area. At the moment people have to go to Sydney for that, which is a very long trip if you are suffering this insidious disease.

There is no doubt that each member's contribution during this debate was significant. I know that my old friend, whom I have known for almost 14 years—Mark Coure, the member for Oatley—lost his mother to cancer. This was a difficult time for him and I know that it was a big deal for him to come into this place and speak to the motion today. His commitment as a very hardworking member for Oatley is ongoing. He is always supporting cancer treatment. I thank my friend the member for Bankstown for her very kind comments and her contribution to Relay For Life. Along with her colleague the member for East Hills, she makes enormous contributions in that part of Sydney. The members for the electorates of Wollongong, Keira, and South Coast have worked with me prior to this on cancer treatment issues in our region. I thank them for their ongoing support.

I also acknowledge the member for Wagga Wagga, who is involved in organising the Relay For Life in Wagga Wagga this year. He is making a great contribution by campaigning for better cancer services and better provisions in regional New South Wales. No matter what side of the House you are from and no matter what your politics are, this is something that unites us all. The things that unite us are greater than the things that divide us. This is one of those issues where we can all stand united. I thank members for demonstrating their bipartisanship. I thank members for getting behind carers, survivors and those organisers of Relay For Life who make a great contribution, and make this State truly proud of their enormous efforts to fight cancer.

**The SPEAKER:** I congratulate all members on their contributions to the debate on this worthy cause. I especially congratulate them on the bipartisanship they have shown in supporting this important motion. I have participated in the Queanbeyan Relay For Life for the past two years.

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

**Motion agreed to.**

**ACTING-SPEAKER (Mr Gareth Ward):** Order! It being before 1.00 p.m., the House will now consider committee reports.

#### **JOINT COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**

##### **Report: Inquiry into Health Care Complaints and Complaint Handling in NSW**

**Question—That the House take note of the report—proposed.**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [12.59 p.m.]: I appreciate the opportunity to update the House on the recent report by the Joint Committee on the Health Care Complaints Commission on its Inquiry into Health Care Complaints and Complaint Handling in NSW. The inquiry was prompted by community concerns about complaint avenues currently available to health care consumers within the public health system and through the Health Care Complaints Commission. There were two terms of reference to the inquiry. The first required the committee to comparatively analyse differences in complaint management between regional health consumers and their metropolitan counterparts with particular reference to consumer satisfaction. The second required the committee to consider consumer awareness and have a broader understanding of complaint handling systems.

The committee travelled to three regional hospitals and one metropolitan hospital as well as conducting a full day hearing in Sydney. The committee met with various consumer health groups and advocates, professional organisations, the relevant boards of the local health districts, the commissioner, and various members of the public. The committee was pleased to note the various strengths of the current complaint handling systems available to health consumers and applauded the varied approaches implemented by the commission. Similarly, the committee was impressed by the unique practices in place in a number of local health districts that sought to genuinely engage with consumers about their experience in the health care setting.

However, the committee heard evidence that complaints handling systems can be cumbersome and complex, especially for vulnerable members of the community, and it has made several recommendations to address the concerns and to improve these processes.

I will now briefly touch on a few key recommendations. The committee recommended standardising complaint handling processes across local health districts with reference to at least a core uniform standard. The committee concluded that this would assist in a comparative analysis of data across the health districts. The committee also concluded that more data needs to be collected about consumer satisfaction with the complaints handling process together with community concerns. In this respect, surveys could be undertaken to gauge regional and metropolitan approaches to complaints, and any apparent trends or disparities between regional and metropolitan consumer results need to be identified and made public. The committee recognised the significant efforts undertaken to make the community aware of the various complaint avenues and accessibility. However, it also considered that more could be done. In particular, this could be achieved through online activities, the provision of complaint handling information both on admission and discharge when in hospital, and the further extension of outreach activities to remote, Indigenous and migrant communities.

The committee considered the benefits of developing a patient advocate system to act on behalf of health consumers before the commissioner and other complaint handling bodies, and earmarked this idea for future discussion. The committee also considered that there is much to gain by promoting a language shift away from the term "complaints" towards the term "feedback", and that this too is worthy of further consideration. Finally, the committee made a separate recommendation exclusively for the commission: Specifically, that the commissioner formulate a protocol to deal with complaints made as a result of extraordinary circumstances, such as a fatality; that investigation of the complaint be expedited as a matter of priority; and that there be an increased engagement with the affected parties. The committee considered this to be a key recommendation in maximising consumer satisfaction for such sensitive matters.

I thank all participants in the inquiry, from those involved in the varied inspection visits to those who presented evidence in person at Parliament House. I also thank fellow members of the committee for their involvement and interest throughout the inquiry. I trust that this report will provide some useful material for the benefit of the public in understanding the current processes for the complaints handling system in New South Wales, as well as some useful recommendations for the Government and the commissioner to refine some of those processes.

**Question—That the House take note of the report—put and resolved in the affirmative.**

**Report noted.**

## **LEGISLATION REVIEW COMMITTEE**

### **Report: Legislation Review Digest No. 43/55**

**Question—That the House take note of the report—proposed.**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.05 p.m.]: I appreciate the opportunity to update the House on the comments made by the Legislation Review Committee in its most recent digest, which was tabled on 10 September 2013. This is the forty-third digest prepared by the Legislation Review Committee of the Fifty-fifth Parliament. The committee made comment on all of the four bills that were introduced in the sitting week commencing 27 August 2013, two of which were Government bills and two were private members' bills. The first of the Government bills was the Crimes Amendment (Terrorism) Bill 2013. The object of the bill is to amend the Crimes Act 1900 to extend the date for which membership of a terrorist organisation is an offence from 13 September 2013 to 13 September 2016. The committee noted that the amendment will affect an individual's freedom of association to belong to certain organisations and that enabling the authorities to execute covert search warrants would affect an individual's right to privacy. However, given the overall objectives of the legislation, the committee did not find these provisions unreasonable and, as such, made no further comment.

However, the committee did consider one of the provisions in the bill that will reverse the presumption of innocence. In particular, one section provides that a person is not guilty of the offence of membership of a terrorist organisation if the person proves that he or she took all reasonable steps to cease to be a member of the organisation as soon as practicable after the person knew that the organisation was a terrorist organisation. This requires an accused person to disprove a presumption that they are guilty of an offence that attracts a maximum

penalty of 10 years imprisonment. The committee referred the reversal of the onus of proof to Parliament for its consideration. The second of the Government bills that the committee considered was the Heavy Vehicle (Adoption of National Law) Amendment Bill 2013. This bill is the second tranche of legislation concerning the uniform application of heavy vehicle law in Australia. The bill makes modifications concerning fatigue management and vehicle standards to preserve the operation of certain existing local productivity initiatives and enforcement provisions.

The committee noted that a mistake of fact defence would be made unavailable for certain offences, although in light of the safety objectives of the bill, the committee made no further comment. The committee also noted that references in the bill to the Queensland legislation would remove the scrutiny functions of the New South Wales Parliament. Despite this, the committee accepted that the nature of cooperative federalism will at times require one jurisdiction to provide model legislation, with other jurisdictions providing reference to that legislation. As such, the committee made no further comment. The first non-Government bill was the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2), which provides that a foetus of 20 weeks gestation or at least 400 grams may be considered a person for the purposes of grievous bodily offences against the unborn child that are separate from any offences against the mother. The committee noted the significant sensitivities of amendments of this nature and referred changes to the offence provisions to Parliament for its consideration.

Lastly, the committee considered the Firearms Amendment (Prohibition Orders) Bill 2013. This bill will make further provisions with respect to the effect of firearms prohibition orders and to authorise police officers to conduct searches for the purposes of ensuring compliance with such orders. The committee considered issues with respect to the freedom of movement and the freedom of association, in particular, restrictions on individuals under prohibition orders from entering certain premises and associating with certain people. However, given the overall safety objectives of this bill, the committee did not find these provisions unreasonable. The committee referred to Parliament the matters concerning the reversal of the onus of proof for prohibitions of the firearms prohibition order, and provisions pertaining to searches without warrant or without reasonable suspicion. The digest exists to provide material for members discussing legislation before Parliament. With its emphasis on identifying issues for consideration, I trust that the digest fulfils its objective in being a useful parliamentary resource. I commend the staff for the preparation of the digest. I commend the digest to the House.

**Ms TANIA MIHAILUK** (Bankstown) [1.10 p.m.]: On behalf of the Opposition I speak on Legislation Review Digest No. 43/55. I take this opportunity to acknowledge the committee members: the chair, the member for Myall Lakes; the deputy chair, the member for Parramatta; the member for Swansea; and the member for Rockdale; and our colleagues in the other House: Mr David Shoebridge, the Hon. Shaoquett Moselmane and the Hon. Dr Peter Phelps. As always, I commend the committee staff for preparing the digest. As indicated by the member for Myall Lakes, four bills were reviewed by the Legislation Review Committee this week. The first bill reviewed was the Crimes Amendment (Terrorism) Bill 2013.

The committee deliberated on freedom of association and decided not to make any further comment in relation to the potential trespass on personal rights and liberties. The committee made no particular comment in relation to the right to privacy as the committee noted that a judge must consider the nature and gravity of a terrorist act in determining whether there are reasonable grounds to issue a covert search warrant and, therefore, safeguards exist to balance national security and public safety concerns about the right to privacy. The committee considered that the bill may violate the right of an accused person to the presumption of innocence and the committee has referred that matter to Parliament for further consideration.

In relation to the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2), which is yet to be debated in the House, the committee considered whether there would be a potential trespass on personal rights and liberties in relation to the right to choose. The committee recognised that this bill specifically excludes anything done in the course of a medical procedure or anything done by or with the consent of the pregnant woman concerned. The committee appreciates that there are some significant sensitivities in relation to that issue when amending legislation of this nature. The committee stated:

The committee refers to Parliament for its consideration matters relating to offences against an unborn child, with particular respect to establishing a separate offence of grievous bodily harm that causes harm to, or the destruction of, that unborn child.

The committee also considered the Firearms Amendment (Prohibition Orders) Bill 2013. Debate commenced on this bill earlier today and I commend the Leader of the Opposition for bringing the bill before the House. I had the opportunity to support him this morning in calling for this bill to be passed and adopted by this Parliament.

The committee considered issues such as freedom of movement and the reversed onus of proof and it has referred those matters to Parliament for further consideration, particularly in relation to the freedom of movement. The committee stated:

In placing restrictions on where individuals subject to a firearms prohibition order may be present, proposed section 74 of the Bill may impact on the person's right to freedom of movement.

The committee made no further comment and referred that matter to Parliament. The committee also made no further comment in relation to the issues of search without warrant and without requirement for reasonable suspicion and freedom of association. Lastly, the committee reviewed the Heavy Vehicle (Adoption of National Law) Amendment Bill 2013 and referred a couple of issues to Parliament for further consideration.

**Question—That the House take note of the report—put and resolved in the affirmative.**

**Report noted.**

*[Acting-Speaker (Mr Gareth Ward) left the chair at 1.14 p.m. The House resumed at 2.15 p.m.]*

### **DISTINGUISHED VISITORS**

**The SPEAKER:** I welcome to the Speaker's Gallery a delegation from the Lao National Assembly, led by Dr Bouphanouvong, Deputy Director General of the Budget Department, Ministry of Finance, who is accompanied by Mr Thakur from the Asian Development Bank, guests of the Speaker, the President and the Parliament. Welcome. I hope you have enjoyed your day. I welcome to the public gallery a delegation from the Ministry of Finance, Vietnam, who are participating in the AusAID Australian Leadership Award Fellowship program. Welcome to the Parliament. I also notice in the public gallery the former member for Blue Mountains, the Hon. Phil Koperberg. Welcome to Parliament this afternoon.

### **REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS**

**Mr BARRY O'FARRELL:** I inform the House that:

- (1) In the absence of the Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales:
  - (a) The Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services will answer questions today in relation to Western New South Wales; and
  - (b) The Minister for Health, and Minister for Medical Research will answer questions today in relation to Mental Health and Healthy Lifestyles.
- (2) The Minister for Education will answer questions today in the absence of the Minister for Citizenship and communities, and Minister for Aboriginal Affairs.
- (3) The Minister for Local Government, and Minister for the North Coast will answer questions today in the absence of the Minister for the Environment, and Minister for Heritage.

### **QUESTION TIME**

*[Question time commenced at 2.20 p.m.]*

### **DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES**

**Mr JOHN ROBERTSON:** My question is directed to the Minister for Family and Community Services.

**The SPEAKER:** Order! Members will behave in a parliamentary manner. Members asking questions will be heard in silence. I need to hear the question so that I can determine whether it is in order.

**Mr JOHN ROBERTSON:** On 29 August the Minister said that there had been no change to caseworker backfilling. Given this briefing note from her office confirms there has been a practice of not filling caseworker cases expediently to manage budget pressures, will she now admit that she has misled the Parliament?



[*Interruption*]

**The SPEAKER:** Order! Government members will come to order. As I ruled yesterday, Government members will cease interjecting and listen to the Minister in silence.

**Ms PRU GOWARD:** I thank the member for his question. As I have said repeatedly, the Government has not cut the budget for front-line budgeted caseworker positions in the Department of Family and Community Services. It funds for 2,068 positions. If there is funding for 2,068 positions then the Government expects to see 2,068 positions on the ground. I have made that very clear at all times to my department and I instructed the former director general to fill all budgeted caseworker positions in March this year. I am advised that permanent vacant positions are being filled permanently by the department. Other positions which are temporarily vacant due to people being on maternity leave, secondment or other extended leave are being filled temporarily—as they should be.

The Auditor-General reported that there were 497 front-line caseworker vacancies, which is 20 per cent, under the Labor Government as at 30 June 2010. That fell to 152—the equivalent of 7 per cent—as at 30 June 2012. Under the Liberal-Nationals Government—and this is the important point about caseworker numbers and anything else to do with child protection—caseworkers are seeing 4,150 more children than they saw under Labor in their last year in office. We are now seeing one in four children—that is 27 per cent.

**Mr Richard Amery:** That might be impressive, but that is not the question.

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

**Ms PRU GOWARD:** It is the important question.

**Ms Linda Burney:** It is not important.

**Ms PRU GOWARD:** There we have it—the member opposite says that it is not important how many children we see. It is not important because it does not fit the story.

**Mr John Robertson:** Point of order: The question did not relate to vacancies or anything else—

**The SPEAKER:** Order! The Minister is being relevant to the question asked. I refer the Leader of the Opposition to the standing orders.

**Ms PRU GOWARD:** Caseworker numbers and caseworker retention are matters for the department and for the director general. We will be publishing for the first time in this State in a reliable way caseworker numbers on a website, and that will be done before the end of this year.

### CRIME STATISTICS

**Mr BRYAN DOYLE:** My question is addressed to the Premier. How is the Government working with the police to make our streets safer?

**Mr BARRY O'FARRELL:** I thank the member for Campbelltown for his question and for his service to the community as a police officer before he came into this Parliament. He has direct experience with the issue of crime across communities and its impact upon families. Today the independent Bureau of Crime Statistics and Research [BOCSAR] released its latest quarterly report; and overall it is good news. Three major offence types showed a downward trend. Non-dwelling break and enter was down 7.6 per cent; motor vehicle theft was down 11 per cent; and malicious damage to property—and this would be of interest to the Attorney General—was down 5.3 per cent. Twelve categories remained stable, and one of those was non-fatal shooting offences—which will be disappointing to those opposite.

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

**Mr BARRY O'FARRELL:** The Opposition never supports the police. Indeed when a fine former police officer stood for public office what did the Labor Party do? It tried to traduce his reputation in the most shameful way. The man who is only Leader of the Opposition because of Eddie Obeid now seeks to traduce somebody else's reputation.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. Opposition members will come to order.

**Mr John Robertson:** Do not worry—we have not started on your reputation yet.

**Mr BARRY O'FARRELL:** It has not finished for your mob either. Two categories which saw increases were stealing from retail stores and fraud—and I do not mean what we have seen at the Independent Commission Against Corruption. Dr Don Weatherburn, the head of the Bureau of Crime Statistics and Research, has suggested that the increase in fraud was due to increased credit card theft. So I urge people to be vigilant and careful with their credit and bank cards. It is important that we all take the proper precautions, including protecting our PINs and watching out for email scams. As someone who had his own bank accounts skimmed earlier this year, I can tell you that it can happen to anybody. I note that payWave and the like are convenient for consumers, but they do make it easier for fraudsters to illegally access people's credit card details.

Banks should consider these findings and set about to work out ways to better protect themselves and their customers. This is clearly a concern and needs to be fixed, and banks are best placed to do that work. I note that this afternoon police have arrested two men in relation to a nine-month investigation into identity theft and credit card fraud. I congratulate the NSW Police Force on these results which have been released today and overall show that 15 of the 17 major offence categories have remained stable or are going down. Credit goes to Commissioner Andrew Scipione and his men and women in blue across New South Wales. Their strength is now at record levels—this Government is very proud to have already provided an additional 420 officers, putting us on track to deliver our election commitment of having 859 additional police officers across New South Wales by August 2015.

We have established the Police Transport Command to put police in charge of ensuring that our trains, buses and ferries are as safe as possible. The feedback I have been getting from commuters is that they are delighted to see police patrolling the network. Since the Police Transport Command was established we have seen an increase of nearly 11 per cent in detections of transport offences, ranging from fare evasion through to the misuse of alcohol. As the Commissioner of Police tells me, proactive police work leads to increased detections—and that is exactly what his officers have been doing across the transport system. They are already having an impact. In addition to boosting their strength, we are ensuring that our police are armed with the best technology—whether it is by replacing ageing equipment, building new police stations or refurbishing existing ones in places such as Riverstone, Coffs Harbour, Lake Macquarie, Liverpool, Tweed Heads, Walgett, Moree, Manly and Parkes. We allocated funding in the budget to replace the ageing PolAir 5 with a new state-of-the-art counter-terrorism chopper and we rolled out 25 new mobile command vehicles to have "police stations on wheels" moving around the community.

The Government has also backed police by giving them tougher powers. We have strengthened consorting offences to stop criminals associating, tightened the supply of ammunition to stop it falling into the hands of criminals and increased penalties for drive-by shootings. We have strengthened move-on powers, introduced a new offence of intoxicated and disorderly, and reformed the Crime Commission to refocus its efforts on organised crime. We have introduced mandatory life sentences for those who kill police officers and changed the right to silence laws to help compel witnesses to cooperate with investigators. The police are doing a terrific job. They face danger every day, and it requires a special type of individual to take on that role. I thank and congratulate them on their achievements in making our State a safer place to live.

#### **DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES**

**Mr NATHAN REES:** My question is directed to the Minister for Family and Community Services. How can the Minister continue to claim that there have been no budget cuts to child protection when her own figures show a \$23 million cut to her department's staffing budget last financial year which, according to Ernst and Young, resulted in the loss of 233 caseworkers?

**Ms PRU GOWARD:** I thank the member for his question. I remind the House that the 2013-14 budget does not suggest, as the member opposite has suggested, that there has been a decrease. In fact, it provides \$1.5 billion to protect vulnerable children and young people, which is a 4.3 per cent increase on the 2013 budget. In the budget the Government has provided 2,068 caseworker positions. During the previous answer members of the Opposition called out that the number of children being seen did not matter. In fact, that interjection came from the former Minister, who has now been promoted to Deputy Leader of the Opposition.

**The SPEAKER:** Order! The member for Canterbury will cease interjecting

**Ms PRU GOWARD:** The Deputy Leader of the Opposition does not think it important that we see children. Based on that morally bankrupt position, she has absolutely no right to ask a question again.

**The SPEAKER:** Order! The member for Canterbury will come to order and cease shouting across the Chamber.

### **PALLIATIVE CARE SERVICES**

**Mrs LESLIE WILLIAMS:** My question is directed to the Minister for Health, and Minister for Medical Research. What is the Government doing to help patients who need palliative care?

**Mrs JILLIAN SKINNER:** I thank the member for Port Macquarie for her important question and interest in this topic. I also thank her for attending my announcement this morning regarding the rollout of \$35 million to provide greater community-based palliative care services. I thank all members who attended that announcement. I put on record my thanks to Jodi Rose. She is the widow of the Olympic swimming legend Murray Rose, who died at home in April last year. Jodi Rose has spoken previously about how important palliative care was to her and her husband and the support that she needed to care for him at home.

In making this announcement today, we took a giant step towards achieving the goals we set out in our plan to increase access to palliative care. It was based on the knowledge that while 70 per cent of Australians say they want to die at home, only 16 per cent do so. More than half of all deaths take place in hospitals. These new services will give real choice of palliative care to patients and their loved ones by providing the necessary care and support if they wish to die at home.

The \$35 million suite of community-based palliative care initiatives is comprehensive. In this financial year it includes up to 1,500 support packages for people dying at home, and that will build to nearly 3,000 packages in 2015-16. Rapid access to home support services is designed to ensure safe and comfortable end-of-life care at home. These services include personal care, domestic assistance and service coordination, which will give carers the confidence and time to support loved ones. The packages will include practical and psychological support, as well as support in linking clinical services to families. Leading palliative care organisations, including HammondCare and Silver Chain, successfully tendered to work with our local health districts to provide these packages. They will be mobilised quickly and offered on a tailored basis.

The program also supports services for dying children and their families. A so-called pop-up model of care will mobilise clinical expertise and support around a dying child as close to home as possible. This approach provides support to clinicians caring for children at home, including general practitioners, nurses and other care workers. It also provides targeted training to support professionals and ongoing access to paediatric palliative care expertise for families and clinicians by telephone, e-health and other communication strategies. I am pleased to say we will be increasingly using tablet computers to provide that support to families.

We will also fund palliative care volunteer support services. Volunteers provide important personal care for patients, their families and carers. It can take the form of companionship, practical assistance and respite for carers. A tender will be released in the next month for a statewide palliative care volunteer support service to better ensure continuous access for people from home. We will also roll out an after-hours telephone support service, which will complement existing telephone services. It will enable us to provide support to families after hours, because that is so often the time when families might feel isolated. This after-hours support will be extremely important. It is vital in helping people to stay at home as their end of life approaches. The service will be staffed by specialist palliative care nurses, with access to a doctor as required.

In addition to the \$35 million enhancement funding, an extra 30 clinical nurse specialists and clinical nurse educators in end-of-life palliative care will commence work across New South Wales this financial year, at a further \$33 million per annum. This money is on top of the \$86 million already provided in New South Wales for specialist palliative care and is well in addition to the money we had to put into this year's budget to replace the partnership funds for subacute and palliative care services that were withdrawn by the former Labor Federal Government. I believe this is an important initiative for families across New South Wales.

### **DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES**

**Ms CARMEL TEBBUTT:** My question is directed to the Minister for Family and Community Services. Why does the Minister continue to claim that she has not cut funding from child protection when her own internal briefing note clearly shows that she cut \$13 million from the statutory child protection budget last financial year, causing caseworker numbers to drop dramatically?

**Ms PRU GOWARD:** I thank the member for her question. As usual it is based on a dodgy proposition, so I will get back to her with further information. It gives me the opportunity to respond further to the question asked by the Leader of the Opposition on 29 August. As I said then, there have been no changes to maternity leave provisions in the Department of Family and Community Services under this Government. I believe that question was also asked by the member for Marrickville.

The departmental briefing I received in July makes very clear that the department's policy of backfilling remains the same as it was under the former Government. The department's briefing outlines the impact relating to maternity leave provisions introduced by the former Government in 2006. The department has advised me that it is examining the threshold for filling temporary vacancies, including maternity leave, to ensure maximum front-line capacity is maintained—something that members opposite never did. The Deputy Leader of the Opposition—the failed former Minister—will make other assertions, but she needs to remember she left office with one in five children seen despite a record spend.

### CRIMES SENTENCING PROCEDURE REVIEW

**Mr STEPHEN BROMHEAD:** My question is directed to the Attorney General, and the Minister for Justice. What is the Government's response to the Law Reform Commission sentencing report?

**Mr GREG SMITH:** I thank the member for Myall Lakes for his question and his continuing interest in this matter. Sentencing is one of the critical elements of the criminal justice system. It is also one of the most complex and difficult tasks that judges and magistrates perform. It is so complex that in recent years it has unfortunately led to a number of appeals, which delay final judgements and extend the trauma of victims of crime. When deciding on a sentence, whether it is a lengthy prison sentence or a fine, judges and magistrates must consider a range of mitigating and aggravating factors under section 21A of the Crimes (Sentencing Procedure) Act 1999.

Reviewing this much-maligned section and other aspects of sentencing laws was an election commitment of the Liberal-Nationals Coalition Government in New South Wales. In line with that commitment we asked the Law Reform Commission to review sentencing laws, having particular regard to, firstly, current sentencing principles, including those contained in the common law; secondly, the need to ensure that sentencing courts are provided with adequate options and discretions; thirdly, opportunities to simplify the law whilst providing a framework that ensures transparency and consistency; fourthly, the operation of the standard minimum non-parole period scheme; and, fifthly, any other related matter. I am very pleased to inform this House that the report has now been completed and I will be tabling it today. I thank the commission and its chair, Justice James Wood, AO, QC, for their work and this thorough and comprehensive report.

The 450-odd page report contains nearly 100 recommendations and was written after the commission considered more than 50 submissions. One of the recommendations is to expand the Cannabis Cautioning Scheme to other drugs. However, the Government does not support this recommendation. Another Law Reform Commission proposal is to allow judges to set a parole period for life sentences. Since the Sentencing Act was enacted in 1989, "life" has meant life in New South Wales. The Government believes this has wide community support and is committed to the current law in this regard. The Government will release an interim response to the report today and provide a further detailed response by the end of this year.

Other recommendations relate to the system of standard non-parole periods. I am pleased to tell this House that the Government already has adopted the Law Reform Commission's recommendation for community consultation. We have asked the Sentencing Council to make recommendations about what offences should be included in the table and what the appropriate standard non-parole periods should be. In the light of creation of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders, we have asked the Sentencing Council to prioritise this work with regard to child sexual assault offences so that the suggestions can help to inform the committee. This report will be given to the committee by October this year. We will aim to simplify sentencing to make it easier to apply and easier to understand.

It is important that we have a criminal justice system that the public can understand and trust. It needs to be open and transparent, its principles need to be spelt out, and the reasoning applied at sentencing needs to be clear. Sentencing needs to fit the crime and individual circumstances as well as recognise the harm that has been done to victims. It needs to punish the offender, deter others and protect the community. I assure this House that this Government is committed to ensuring that sentencing reflects the law and reflects community expectation. We will continue to drive reform, such as our serious offender legislation, that will ensure that

serious criminals are punished appropriately for their crimes so that citizens of this State can feel safe. Victims of crime and the community generally rightly expect tough sentences for those who commit serious crimes. This report will not change the Government's commitment to keep the community safe from serious offenders. We are committed to giving the State's judicial officers the best, most workable and transparent laws to ensure that justice is served.

#### **DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES**

**Mr JOHN ROBERTSON:** My question is directed to the Minister for Family and Community Services. Given that there have been clear budget cuts to child protection on her watch, will she now confirm that there has been "a practice of not filling vacancies expediently to manage budget pressures", as this internal briefing states?

**Ms PRU GOWARD:** As I have said to the House on a number of occasions, there has been no cut to the Community Services budget; indeed, it went up by 4.3 per cent in the last financial year. We budget for 2,068 caseworkers and we expect those positions to be filled. Vacancies are a matter for the department. After the failed former Minister's comment that the number of children being visited does not matter, which is what she called out across the Chamber, I do not think she has anywhere else to go.

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

**Ms PRU GOWARD:** Now we know why there were 497 vacancies.

**The SPEAKER:** Order! Members will cease shouting at the Minister.

**Ms PRU GOWARD:** Now we know why there were 497 vacancies in 2010. Now we know why only 21 per cent of children received the face-to-face assessment—because it did not matter to her.

**The SPEAKER:** Order! The member for Canterbury will cease shouting. I am the only one who is allowed to shout!

#### **INTERNATIONAL FLEET REVIEW**

**Mr JOHN FLOWERS:** My question is addressed to the Minister for Transport. How is the Government preparing for the International Fleet Review in October?

**Ms GLADYS BEREJIKLIAN:** I thank the member for his question. It gives me the opportunity to share with the House a very important occasion that will happen to our State and our great city. I am pleased to inform the House that from 3 to 11 October, an International Fleet Review will occur in Sydney to mark 100 years since the first Royal Australian Navy ships entered Sydney Harbour in 1913—a very important occasion. More than 40 warships and 16 tall ships from around the world will arrive in Sydney Harbour over Thursday 3 October and Friday 4 October in what is expected to be a fantastic event during a fantastic week of events for this city. But we know that if K. Rudd had had his way, the event may have been held in Brisbane.

**The SPEAKER:** Order! The member for Keira will contain his excitement.

**Mr Nathan Rees:** He will not have his way.

**Ms GLADYS BEREJIKLIAN:** Exactly. He did not get his way. What a great move by our Premier to make sure that the Navy stayed in Sydney.

**The SPEAKER:** Order! Members will come to order. I cannot hear the Minister's answer.

**Ms GLADYS BEREJIKLIAN:** During the International Fleet Review, Australian warships will be joined by warships from a range of international navies.

**Mr John Robertson:** They are not allowed in the harbour now.

**Ms GLADYS BEREJIKLIAN:** They are, under us. The navies include those from Indonesia, China and the United States. It is very important to note that the Royal Australian Navy tells us this will be the largest

ever gathering of warships off the east coast of Australia. I am sure Madam Speaker is very excited to know that the South Coast community will be able to enjoy this very important event because the fleet will be arriving in Jervis Bay on 1 October and departing for Sydney two days later. The community will be able to enjoy the spectacle from vantage points around the South Coast. Our Navy and their international guests will be following in the historic steps of the 1913 Australian Fleet that travelled from Jervis Bay to Sydney in October 1913.

It is very important for me to advise the House that over the nine days the ships are in Sydney, several events will be held that are expected to attract approximately 1.7 million people to Sydney's foreshore and other event locations. It will be a major drawcard for Sydney and is expected to inject more than \$50 million into the economy while showcasing our city to the world. I emphasise that during the celebrations the best way to travel around Sydney will be by public transport. We are strongly encouraging people to leave their cars at home. We are providing an additional 5,000 transport services that week. Of course, road closures will be in place as well.

Not only is the fleet review occurring at that time but a bumper week of events will be held in Sydney as well. I am sure most members would know that the event coincides with the National Rugby League grand final. Some members and their children will be interested in the One Direction concert, which will attract large crowds on Saturday 5 October and Sunday 6 October. The Epsom Handicap will be held on the same weekend, the Parramasala Festival will be held from Friday 4 October to Monday 7 October, and I understand that the Manly Jazz festival will be held from Saturday 5 October to Monday 7 October. I ask all members to note that, to avoid disappointment, they must plan ahead and utilise the additional services that will be available. We expect Saturday 5 October to be the biggest day. From 11.00 a.m. there will be a ceremonial fleet review by the Governor-General and at 7.40 p.m. there will be a 30-minute fireworks and lightshow spectacular.

**The SPEAKER:** Order! The Minister will be heard in silence.

**Ms GLADYS BEREJIKLIAN:** I am advised that there will be more than 7,000 kilograms of fireworks that evening, so it is a major event. No doubt this will be the biggest transport challenge since the Olympic Games were held in Sydney. We want to ensure that people plan ahead. That is why we have put on more than 1,100 extra train services and 4,000 extra bus services. They will be added to the timetable during this time. A number of communities are managing local traffic conditions as well. [*Extension of time granted.*]

**The SPEAKER:** Order! This is an important issue. Members who continue to interject will be removed from the Chamber.

**Ms GLADYS BEREJIKLIAN:** Some of the special services include dedicated buses between Kings Cross station and Garden Island for the Navy ship open days. There also will be dedicated train shuttles between Central and Bondi Junction, because we anticipate a lot of the 8,000 sailors will visit Bondi Beach. Operating hours will be extended for secure taxi ranks in the central business district, Darling Harbour and Kings Cross. Additional taxi ranks will also be put in place near event sites. Extensive road closures, similar to those imposed on New Year's Eve, will be in place across Sydney, especially on the Saturday, and there will be road closures and special event clearways in place for each of the nine days, depending on the location and timing of events. I conclude by saying that the International Fleet Review will be a fantastic event that this city is proud to be hosting. To avoid disappointment, please plan ahead and consider using one of the extra 5,000 transport services available during that time.

#### **SUGARLOAF STATE CONSERVATION AREA MINE SUBSIDENCE**

**Mr GREG PIPER:** My question is directed to the Premier. Will the Premier undertake to have established an upper House inquiry into the mine subsidence incident in the Sugarloaf State Conservation Area, including an investigation of the response by government authorities and the mining operator and the mismanaged remediation attempt that led to the unintended grouting of a watercourse?

**Mr BARRY O'FARRELL:** I thank the member for Lake Macquarie for his question and his concern about this issue and about subsidence as a result of longwall and other mining activities across the State. His electorate—his community—has been affected by it in the past and we are supposed to have learnt the lessons from that. Longwall mining in New South Wales is subject to rigorous planning assessment and approval processes and any subsidence, when it occurs, is subject to oversight by Federal and State government agencies. I am absolutely angry about and regret what we have seen going on in the Sugarloaf State Conservation Area. Two issues have arisen. Firstly, an area of surface subsidence was identified in October 2012. Subsequently, the affected area was, I am told, cordoned off, warning signs were erected, and 24-hour

security guards patrolled the area. Secondly, in June 2013, accidental release occurred of what is described as aerated cement down a drainage line during grouting on a surface subsidence crack. Work started promptly on a remediation direction.

An interagency group, comprising the Department of Planning and Infrastructure, the Office of Environment and Heritage, the Division of Resources and Energy and the Environment Protection Authority, is currently determining the significance of the subsidence impact, what should be done to remediate the impact of subsidence, what action should be taken to avoid or minimise such impacts in the future and whether further action should be taken against the company. The leakage of the grout was reported to the Office of Environment and Heritage on 4 June this year. Clearly, the incident caused damage to the landscape—I think we have all seen the photographs. However, I am advised that it has not harmed the quality of water in the area, that no endangered ecological communities were affected, and that there has been no damage to Aboriginal cultural heritage in the area as a result of the release of aerated cement. The Office of Environment and Heritage inspected the site twice in June to start developing a remediation direction.

In July the office issued West Wallsend Colliery with a draft remediation direction under the National Parks and Wildlife Act to remove the grout. In complying with procedural fairness provisions, West Wallsend Colliery was invited to review the draft remediation direction and provide any comments or submissions by the first week of August for consideration prior to the finalisation of that direction. In August the Office of Environment and Heritage issued the final remediation direction, which required West Wallsend Colliery to provide a remediation plan by 1 October outlining how and when complete removal of the grout will occur. On 30 August senior representatives of the interagency group inspected both sites and met to discuss existing and proposed responses in detail. On 4 September the company was directed by NSW Trade and Investment to assess public safety issues resulting from the subsidence incident and review the mine's public safety management plan. The operator of the West Wallsend Colliery was also directed to assess all environmental consequences resulting from the incident and submit a report detailing options for remediation.

For the information of the member for Lake Macquarie, the group that I have referred to is currently considering a range of other actions, including: a review by all agencies of the requirements of existing approvals such as the project approval, extraction and subsidence management plan, to identify any compliance breaches in the area; consideration of penalty or prosecution under existing approvals or statute; a review of potential environmental offset opportunities; and a review of requirements for future subsidence approvals in the area. We have made it clear that the company will be held responsible for any actions shown to be non-compliant with a development approval. For example, there are significant fines of up to \$220,000 if a company fails to follow the remediation direction of the Office of Environment and Heritage and \$22,000 for each day the offence continues. Companies are also held to account by inspections, audits and monitoring by government agencies.

I say to the member for Lake Macquarie that we do take this matter seriously. We have to finally send a very strong message to those engaged in mining in this State, no matter what economic growth it provides to the State, no matter what jobs it provides to the State: they have to start complying with regulations. We need to ensure that those regulations around environment and workplace safety are complied with. This does not need a political inquiry by the upper House. This needs the report of the interagency group to be completed. I am happy to commit in this place for that report to be made public and if it deems further work to be done, I will appoint an independent person outside of the Parliament to do the work that the community expects us to do and not play politics with an issue as serious as this.

### MAJOR SPORTING EVENTS

**Mr MARK SPEAKMAN:** My question is addressed to the Minister for Sport and Recreation. How is the Government helping supporters who are attending this weekend's sporting events?

**Ms GABRIELLE UPTON:** I thank the member for Cronulla for his question and rise for the first time as Minister for Sport and Recreation—and it is with great pride that I do so—to address all members of the House.

**The SPEAKER:** Order! The Minister does not need the assistance of the member for Keira. I call the member for Kiama to order for the first time.

**Ms GABRIELLE UPTON:** I address all members of this House with great pride. Sport and recreation are very important to the people of New South Wales—it is in our DNA—whether through a commitment to

personal fitness, a connection through our families with community sport or attendance at the big games. My goal as Minister is to build participation of all people of all ages because sport and recreation help us to keep fit and healthy. It is not only about the body, it is also about the mind. In that regard I pay tribute to the commemoration today of R U OK? Day. Sport is about teamwork and building connections with our local communities. Judging by the Federal election results last weekend, the Labor Party needs a bit of sport and recreation. The results demonstrate that those opposite have no clue about—

**The SPEAKER:** Order! The member for Keira will come to order. I remind Government members of my previous rulings. The member for Kiama will cease interjecting.

**Ms GABRIELLE UPTON:** The Federal election demonstrated that the Labor Party can learn a little more about teamwork and connecting.

**Mr Ron Hoenig:** Point of order—

**The SPEAKER:** Order! Members will come to order. I cannot hear the member's point of order.

**Mr Barry O'Farrell:** Why are you still on the bench?

**Mr Ron Hoenig:** Which bench?

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

**Mr Ron Hoenig:** I am having difficulty because the Premier keeps talking.

**The SPEAKER:** The member will state his point of order or resume his seat.

**Mr Ron Hoenig:** The Federal election is irrelevant to the question.

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

**Ms GABRIELLE UPTON:** As the mother of school-age children, I know that sport and recreation is very important to building the futures of our children. An important part of that growth is the influence major sporting codes and their elite stars have on the next generation of our sportspeople. As the House will be aware, the National Rugby League and the Australian Football League are at the pointy end of the season. The key final series games will be played this weekend. Sydney Olympic Park's ANZ Stadium will host three major games in three days. Rugby league will be at its best. On Monday I attended the captains' call aboard HMAS *Leeuwin* and had the great privilege of meeting the captains of the top eight National Rugby League teams competing in this weekend's matches. The opening match between the red and green South Sydney Rabbitohs and defending premiers Melbourne Storm on Friday night at ANZ Stadium will set the scene for another fantastic finals series.

**The SPEAKER:** Order! I warn members if they continue their unparliamentary behaviour they will be removed from the Chamber. They will show respect to the Minister.

**Ms GABRIELLE UPTON:** The Friday night game will be followed by the defending Aussie Rules premiers, the Sydney Swans, who will play Carlton on Saturday evening. This match is a sudden-death semifinal and a must-win game for the Swans if they are to keep their finals hopes alive. This full weekend at ANZ Stadium will wrap up with a do-or-die elimination final between the Canterbury Bankstown Bulldogs and the Newcastle Knights on Sunday afternoon. These matches will attract a large crowd of spectators keen to watch matches worth remembering. With the expected large crowds, I ask all members of the community to listen closely to the guidance of the good Minister for Transport. [*Extension of time granted.*]

**The SPEAKER:** Order! Members will come to order. I remind them of my previous warning. Their behaviour is deplorable.

**Ms GABRIELLE UPTON:** To ensure that fans enjoy the game, the Government, through the Sydney Olympic Park Authority and the transport agencies, with the guidance of the Minister for Transport, Gladys Berejiklian, have implemented a number of measures, to which the Minister alluded, to improve the game experience for everyone travelling to the matches this weekend. Integrated ticketing will be available. Special events buses and trains will run to and from the park, helping fans to get to and from their chosen game without



having to worry about driving. If anyone must drive, please pre-book parking on the Sydney Olympic Park website. Parking is available but, of course, the demand will be high over the weekend. In addition to the games at ANZ Stadium, a finals double-header will be held at Allianz Stadium on Saturday featuring the Cronulla Sharks against the North Queensland Cowboys, followed by the minor premiers, the mighty Roosters, against the Manly Sea Eagles. From my understanding, this weekend's double-header is a first for rugby league. Not to leave rugby out, the grand final of the Shute Shield will be played at Concord Oval on Saturday afternoon, with defending premiers Sydney University making its ninth grand final appearance playing against Eastwood, which had a big win last Saturday.

**The SPEAKER:** Order! Members will come to order. Their childish behaviour is deplorable. The member for Toongabbie will remove himself from the Chamber until the conclusion of question time.

*[Pursuant to sessional order the member for Toongabbie left the Chamber at 3.04 p.m.]*

**The SPEAKER:** Order! I remind members that bullying behaviour is unacceptable. The member for Maroubra will come to order. The member for Maroubra will remove himself from the Chamber until the conclusion of question time.

*[Pursuant to sessional order the member for Maroubra left the Chamber at 3.05 p.m.]*

**Mr John Robertson:** Madam Speaker—

**The SPEAKER:** Is the Leader of the Opposition seeking the call?

**Mr John Robertson:** The Minister's time for her answer has expired.

**The SPEAKER:** Has the Minister completed her answer?

**Ms GABRIELLE UPTON:** I was granted an extension.

**The SPEAKER:** The Minister was granted an extension of time but it has expired.

**Mr Barry O'Farrell:** She was interrupted.

**The SPEAKER:** Order! There is no provision in the sessional orders for me to grant a further extension of time. The member for Canterbury will remove herself from the Chamber until the conclusion of question time.

*[Pursuant to sessional order the member for Canterbury left the Chamber at 3.05 p.m.]*

**The SPEAKER:** Has the Minister completed her answer?

**Ms GABRIELLE UPTON:** I would like to complete my answer.

**The SPEAKER:** In view of the level of interjections and the unparliamentary behaviour of Opposition members, I will grant the Minister a further extension of time. Opposition members have only themselves to blame. The interjections during the first question asked of the Minister in her new portfolio were offensive. The Minister has another 30 seconds at least to complete her answer.

**Ms GABRIELLE UPTON:** On Sunday, Football NSW will stage the Premier League's men's first grade grand final at Penrith, with the Bonnyrigg White Eagles facing off against the Rockdale City Suns. If members love their sport, the place to be this weekend is most definitely Sydney, the sporting capital of Australia.

**Question time concluded at 3.06 p.m.**

#### **VARIATIONS OF RECEIPTS AND PAYMENTS ESTIMATES AND APPROPRIATIONS 2013-14**

**Mr Mike Baird** tabled, pursuant to section 26 of the Public Finance and Audit Act 1983, variations of the receipts and payments estimates and appropriation for 2013-14 arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates—Department of Trade and Investment, Regional Infrastructure and Services, dated 28 August 2013.

**LEGAL AFFAIRS COMMITTEE****Government Response to Report**

**Mr Anthony Roberts** tabled the Government's response to report No. 1/55, entitled "Law Reform Issues Regarding Synthetic Drugs", dated July 2013.

**SOCIAL POLICY COMMITTEE****Report**

**Mr Bruce Notley-Smith**, as Chair, tabled the report entitled, "Provision of Alcohol to Minors", report No. 2/55, dated September 2013.

**Ordered to be printed on motion by Mr Bruce Notley-Smith.**

**PETITIONS**

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

**Coal Seam Gas Exploration**

Petition calling on the Government to declare a moratorium on coal seam gas exploration on the New South Wales North Coast, received from **Ms Linda Burney**.

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

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

**Sydney Electorate Public High School**

Petition requesting the establishment of a public high school in the Sydney electorate, received from **Mr Alex Greenwich**.

**Oxford Street Traffic Arrangements**

Petition requesting the removal of the clearway and introduction of a 40 kilometre per hour speed limit in Oxford Street, received from **Mr Alex Greenwich**.

**Walsh Bay Precinct Public Transport**

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

**Pet Shops**

Petition opposing the sale of animals in pet shops, received from **Mr Alex Greenwich**.

**Pig-dog Hunting Ban**

Petition requesting the banning of pig-dog hunting in New South Wales, received from **Mr Alex Greenwich**.

**Inner-city Social Housing**

Petition requesting the retention and proper maintenance of inner-city public housing stock, received from **Mr Alex Greenwich**.

**Container Deposit Levy**

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Mr Alex Greenwich**.

**The Clerk announced that the following petition signed by more than 500 persons was lodged for presentation:**

**Yanco Agricultural High School**

Petition requesting that the Government urgently review future funding for Yanco Agricultural High School, received from **Ms Carmel Tebbutt**.

**POLICE INTEGRITY COMMISSION AND INDEPENDENT COMMISSION AGAINST  
CORRUPTION LEGISLATION AMENDMENT (INSPECTORS) BILL 2013**

**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) [3.10 p.m.]:  
I move:

That this bill be now read a second time.

The Government is pleased to introduce this legislation, which will allow for the two part-time positions of the Inspector of the Police Integrity Commission and the Inspector of the Independent Commission Against Corruption to be performed by the same person. It is important to note that this bill does not abolish or merge the two positions. It merely removes the impediments to one person holding both positions, should the government of the day decide it is appropriate to recommend a dual appointment. The powers and functions of the Police Integrity Commission and the Independent Commission Against Corruption are substantively similar. The principal functions of the Police Integrity Commission are to detect, investigate and prevent police misconduct. The Police Integrity Commission's functions also include the detection, investigation and prevention of misconduct by administrative officers of the NSW Police Force and officers of the New South Wales Crime Commission.

Similarly, the Independent Commission Against Corruption's principal functions are to investigate and expose corrupt conduct in the New South Wales public sector, to actively prevent corruption through advice and assistance, and to educate the New South Wales community and public sector about corruption and its effects. As with the institutions, the powers and functions of the respective inspectors of the Police Integrity Commission and the Independent Commission Against Corruption are comparable. The inspector of the Police Integrity Commission is an independent statutory officer whose role and function is to hold the Police Integrity Commission accountable in the way it carries out its functions. Likewise, the inspector of the Independent Commission Against Corruption is an independent statutory officer whose role and function is to hold the Independent Commission Against Corruption accountable in the way it carries out its functions. The similar nature of these two roles is reflected in the statutory frameworks establishing both positions.

Part 5A of the Independent Commission Against Corruption Act and part 6 of the Police Integrity Commission Act, which deal with the powers and functions of the respective inspectors, have many substantive similarities. Furthermore, each inspector has royal commission-like powers, authorities, protections and immunities. Despite this overlap, the offices of Police Integrity Commission Inspector and Independent Commission Against Corruption Inspector are presently occupied by two different people, both on a part-time basis. This bill will amend the Police Integrity Commission Act and the Independent Commission Against Corruption Act to allow for the two roles to be performed by the same person. In addition to potentially enhancing the effectiveness of the inspector positions, a key benefit of these amendments will be in allowing one individual to take on both highly specialised roles.

The bill does not alter the requirement for the Police Integrity Commission Inspector to hold special legal qualifications. Nor does the bill remove parliamentary oversight of any proposed appointment to the position of Police Integrity Commission Inspector or Independent Commission Against Corruption Inspector. The relevant parliamentary committee will retain the power of veto over the proposed appointments. In preparing this bill, the New South Wales Government has been concerned to ensure that the amendments do not give rise to a risk of "incompatibility of office". Offices will be incompatible where they cannot properly be performed by the same person or they interfere with each other. For example, two offices will be incompatible if the holding of one office means that another office cannot be executed impartially.

To avoid any risk of such incompatibility, the bill will amend the Police Integrity Commission Act and the Public Interest Disclosures Act to ensure that the Ombudsman—instead of the Independent Commission Against Corruption—has jurisdiction to investigate the conduct of the Police Integrity Commission Inspector, and to receive and investigate public interest disclosures about the Police Integrity Commission Inspector. The bill will also amend both the Police Integrity Commission Act and the Independent Commission Against Corruption Act to enable the Governor to appoint an assistant inspector of the Police Integrity Commission and an assistant inspector of the Independent Commission Against Corruption. Appointment of an assistant inspector will ensure continuity in oversight of the Police Integrity Commission and the Independent Commission Against Corruption in the event the inspector may be unavailable or if there is an increase in the workload of the inspectorates.

For this purpose, the assistant inspector will be able to exercise any function of the inspector, to the extent to which he or she is directed by the inspector to do so. The New South Wales Government strongly supports the work of the Inspectors of the Police Integrity Commission and of the Independent Commission Against Corruption. These amendments will not diminish the importance of these offices, nor will they interfere with the scope of the inspectors' powers and functions. Instead, they are intended to allow for greater flexibility in the appointment of inspectors, to help ensure that these important oversight roles are performed effectively. I commend the bill to the House.

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

### **CROWN LANDS AMENDMENT (MULTIPLE LAND USE) BILL 2013**

**Bill introduced on motion by Mr Andrew Stoner, read a first time and printed.**

#### **Second Reading**

**Mr ANDREW STONER** (Oxley—Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services) [3.15 p.m.]: I move:

That this bill be now read a second time.

The Crown Lands Amendment (Multiple Land Use) Bill 2013 amends the Crown Lands Act 1989 to ensure the legal validity of interests such as leases, licenses and permits which have been granted over reserved Crown land. The Crown Lands Act establishes a system for managing and regulating the use of Crown land for the benefit of the people of New South Wales. Crown land in New South Wales comprises around 34 million hectares of land or 42 per cent of the land area of the State. The Crown land estate plays an important role in supporting the New South Wales economy and is used for all kinds of community and business activities. Crown land that has been set aside for a public purpose is generally referred to as Crown reserve. There are around 35,000 Crown reserves in the State. These contain much of the State's natural, cultural and open space, for example, local parks, heritage sites, community halls, nature reserves, showgrounds, caravan parks and travelling stock routes.

Crown reserves are generally reserved for a specific or primary purpose but have commonly been managed to accommodate a wide variety of public and private purposes in accordance with the principles of the Crown Lands Act 1989. Section 11 (d) of the Act states that "where appropriate, multiple use of Crown land be encouraged". Consistent with this multiple-use principle, thousands of tenures have been issued over the years for community and commercial purposes over Crown reserves. Over time, tenures have been granted for multiple use or uses secondary to the primary purpose of Crown reserves. These tenures permit activities as diverse as mining, grazing and farming, marinas, telecommunication towers, sporting clubs and tourist parks. The underlying premise for the issue of these tenures is that they do not frustrate the primary purpose of the reserve.

In November 2012, the legal validity of many of these secondary use tenures was called into question by the New South Wales Court of Appeal in a decision referred to as the Goomallee Claim. The formal title of that case is *Minister Administering the Crown Lands Act 1989 v New South Wales Aboriginal Land Council*, 2012J NSWCA 358. In this case, the court found that a grazing licence granted over a parcel of Crown land reserved for the purpose of "public recreation" was unlawful. The court's view was that the licence was not for the same purpose as the reserve, or "in furtherance of or incidental to" the purpose of the reserve. The effect of

the ruling is to potentially make many secondary use tenures across the State invalid. More broadly, the ruling undermines the multiple-use principle enshrined in the Crown Lands Act, which has guided the management and use of Crown reserves for many years.

I will spell out the undesirable consequences for the people of New South Wales if the effects of the court's decision are not addressed by the passing of this bill. The first is the number of tenures potentially affected and the land area and income streams that will be impacted, and the second is the compromise or the potential disruption of community and business activities that are occurring on these sites. Information available from the Crown Land Division's database indicates that there are more than 8,000 secondary tenures issued by the New South Wales Government over Crown reserves in New South Wales. There is a good chance that up to 90 per cent of them are potentially subject to challenge because they are for purposes that are not "in furtherance of or incidental to" the primary purpose of the reserve.

These tenures cover Crown reserves of up to 12 million hectares in area, generating up to nearly \$10 million in rent or lease fees annually. In addition, there are also thousands of secondary tenancies issued by reserve trust managers, such as councils and showground trusts, that may also be subject to legal challenge. The income generated by these activities provides a source of funding for the maintenance of those reserves and are the priority activities of government. Tenures can also serve as a management tool to enhance the primary purpose of the reserve. For example, a commercial food outlet such as a kiosk can encourage greater patronage of a public recreation area and assist in reserve maintenance through tenure conditions. The range of tenure types potentially affected by the court's decision is very broad. For example, many reserves have located upon them Country Women's Association halls, Meals on Wheels kitchens, men's sheds, preschools, libraries, council chambers, community centres, tourist information centres and State Emergency Service, Rural Fire Service and Marine Rescue facilities.

Additionally, many thousands of grazing licences are issued over public recreation reserves. Travelling stock routes, cemeteries and showgrounds may also be challenged. Bear in mind that this sort of grazing activity assists the Rural Fire Service in managing fuel loads over large areas of land. These could also be challenged, despite the fact that they may not materially harm the primary purpose of the reserve and, as I said, assist with hazard reduction as well as weed and pest control. Mobile phone tower sites are often located on Crown reserves. These facilities could also be undermined by the court's decision, despite their now being regarded as community service essentials and not necessarily foreseen in 1989, when the Crown Lands Act was legislated. The continuation of these activities is desirable if they are not causing material harm to the primary purpose of the reserve. However, in light of the court decision, these tenures are now vulnerable to challenge. This situation cannot be left unresolved, and will not be left unresolved by this Government.

I will also clarify for the House how this bill relates to the Aboriginal Land Rights Act 1983 under which the Goomallee claim was lodged in the first place. Under that Act, Aboriginal land councils have the right to make a claim over Crown lands, including Crown reserves, if they are not being lawfully used or occupied. In the Goomallee claim the Government submitted that the existence of a grazing licence was evidence of the land being lawfully used and occupied. However, the court found that the licence was evidence of non-lawful use and occupation. This is because the court ruled it was for a purpose different from and not "incidental to or in furtherance of" the reserve. As a result, the court ordered that the land be granted to the Aboriginal land council in question.

I emphasise that, although this bill was precipitated by a claim under the Aboriginal Land Rights Act, it is not the primary purpose of the bill to frustrate the land claims process or affect the rights of land councils. The primary purpose of the bill is to restore the multiple use principle contained in the Crown Lands Act and to ensure the legal validity of all secondary tenures affected by the decision, most of which are not under Aboriginal land claim. I also add that the bill, if passed, contains special provisions that will enable all claims under the Aboriginal Land Rights Act that existed prior to the Goomallee decision to proceed as if the bill had never been passed. In other words, existing claims will still be determined in line with the court's interpretation of the Goomallee claim. However, new claims lodged after the Goomallee decision of 9 November 2012 will not be able to rely on the Goomallee decision.

I will now highlight some of the specific elements of the bill. The bill will validate all existing secondary tenures but only if they are not causing or likely to cause material harm to the primary purpose of the reserve. The bill also includes a dispute resolution mechanism that will require persons who wish to prevent harmful activities from occurring under tenure to first make application to the Minister before rushing off to court. In considering such an application, the Minister may place additional conditions on the tenure to prevent

the harmful activity from continuing in the future. For example, the councils at Byron Bay, Ballina, Coffs Harbour and Clarence have located Marine Rescue facilities on public recreation reserves. If someone complains about these facilities, the Minister could consider the complaint and any evidence submitted and undertake independent investigations. The Minister could then place additional conditions on the tenure to prevent disruption to the amenity of the reserve.

It is important to note that the bill does not prevent the participants to any dispute resolution process from exercising any existing rights to appeal the Minister's decision. This dispute resolution approach is considered appropriate in two ways. First, it provides practical ways of resolving disputes about secondary uses of reserved land without invalidating the entire tenure and thereby impacting negatively on business or community services. Secondly, it minimises litigation and provides a cost-effective and accessible way of managing disputes about competing community, private and public interests. A period of six months will be provided for parties to make submissions to the Minister regarding the alleged harm. This period allows for the department to assess the matter, to develop appropriate management responses and for the Minister to make a decision. During this time the tenure would continue to be valid and operations could continue. If the Minister fails to make a decision within the prescribed period then the tenure would not be automatically invalidated but would be open to legal challenge.

The bill is to apply retrospectively to existing tenures that, in light of the recent court decision, may arguably have been invalidly granted, as well as to future tenures granted over Crown reserves. The Government has carefully considered this retrospective approach and believes it is the appropriate course of action. The alternative would have been to add additional purposes to more than 8,000 Crown reserves and to revoke and reissue each of the secondary tenures. That response is estimated to cost at least \$4 million to the taxpayer via government expenses for those government-issued tenures alone, and the process would consume significant resources and take several years to complete. Significant further costs and disruption would also be imposed on reserve trust managers, tenure holders and the New South Wales government for the revocation and reissue of trust-issued tenures.

The Government's view is that the uncertainty for tenure holders during such an extended administrative process would significantly jeopardise the ongoing community and business activity on Crown reserves. As noted earlier, safeguards will be put in place to ensure that tenures that are materially harming or could materially harm the reserve purpose will be able to be identified. The amendments to the Crown Lands Act will also provide for versatility and innovation in the use of the Crown land estate. As noted earlier, there are contemporary uses, such as mobile phone towers, that may not have been anticipated when the reserve was created that do not cause material harm to the reserve purpose. There are also legacy users on Crown reserves such as community and emergency services organisations. These facilities would be regarded as an appropriate use of Crown land from the community's perspective, but may fail the legal test established in the Goomallee court case of "ancillary to, in furtherance of, or incidental to the reserve purpose" under the current provisions.

In summary, this bill will provide certainty for all land users and continuity of activities across Crown reserves. It reflects the important multiple-use principle in the Crown Lands Act that encourages the use of Crown reserves for multiple community and economic purposes. As noted earlier, safeguards will be put in place to ensure that tenures that are materially harming or could materially harm the reserve purpose will be identifiable. The bill is essential to the lawful and effective administration of Crown reserves. It will provide certainty for government, the community, business and Aboriginal land councils regarding the lawful use of Crown land. Most importantly, it will enable the economic and social value of the Crown estate to be maximised. I commend the bill to the House.

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

## **BUSINESS OF THE HOUSE**

### **Order of Business**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.29 p.m.]: I seek leave of the House to enable the member for Kiama to move General Business Notice of Motion (General Notice) No. 2545 as a formal motion without debate.

**Leave granted.**

**TRIBUTE TO BOB AND ANN HARRISON****Motion by Mr GARETH WARD agreed to:**

That this House:

- (1) Acknowledges that on 8 March 2013 Shellharbour City Council unveiled "Harrison Park" in the Shellharbour City Centre.
- (2) Notes that "Harrison Park" is named in honour of Bob and Ann Harrison, the longest-serving husband and wife team in civic service.
- (3) Recognises the distinguished service and vision of Bob and Ann Harrison in the Shellharbour area.
- (4) Commends the service of Bob Harrison as a former member for Kiama in the Legislative Assembly.

**BUSINESS OF THE HOUSE****Order of Business**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.31 p.m.]: I indicate to members that this afternoon the House will debate the Heavy Vehicle (Adoption of National Law) Amendment Bill 2013. If the bill is dealt with expeditiously this afternoon and is passed as soon as practicable—of course without limiting debate unnecessarily—I hope that will facilitate an extra 10 or 15 minutes for the making of community recognition statements. This will be in addition to the usual time allocated for community recognition statements this afternoon. We will see how we go. I will report back to the House in the next 45 minutes to an hour, but members may want to prepare additional community recognition statements.

**SKILLS BOARD BILL 2013**

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

**Second Reading**

**Mr ADRIAN PICCOLI** (Murrumbidgee—Minister for Education) [3.33 p.m.]: I move:

That this bill be now read a second time.

The purpose of the Skills Board Bill 2013 is to establish the NSW Skills Board. The NSW Skills Board will be the key independent expert body, providing the Minister for Education and the New South Wales Government with independent strategic advice on the vocational education and training [VET] system, and overseeing major reform of that system under the Smart and Skilled Draft Quality Framework. It will work to strengthen the New South Wales economy and skills base and promote flexibility and choice for industry and consumers. The NSW Skills Board will replace the New South Wales Board of Vocational Education and Training [BVET] as the primary advisory board to the Government on vocational education and training matters. It will have a broader role and more defined membership than the Board of Vocational Education and Training to ensure that New South Wales has the appropriate governance arrangements for the vocational education and training system as it goes through significant changes to become more flexible, demand-driven, accessible, equitable and affordable.

From 1 July 2014 New South Wales will implement a major reform of the vocational education and training sector under the Smart and Skilled Quality Framework. The Smart and Skilled Quality Framework will introduce: an entitlement for training for qualifications up to and including certificate level III; income-contingent loans for higher-level vocational education and training qualifications; and a new quality framework and training provider monitoring and data collection to be published on a new consumer online portal. At the same time, we have committed to ambitious targets for vocational education and training and higher education participation and completions in the State plan NSW 2021, including for equity groups and young people. The achievement of reforms to the vocational education and training sector and increased completions are tied to \$196 million of reward funding for New South Wales under the Commonwealth-State National Partnership Agreement on Skills Reform.

In this context, I initiated a review of the Board of Vocational Education and Training to ensure that we had the appropriate governance arrangements in place to provide oversight of vocational education and training reforms

and the achievement of our State priorities. The review was conducted by Professor Peter Shergold, AC. As part of his review, Professor Shergold consulted with industry and both public and private training providers. The review recommended that a new board with broader responsibilities and a reconstituted membership was necessary to provide adequate oversight of the Smart and Skilled Quality Framework, the New South Wales training market, higher education and the evolving tertiary education sector. This bill implements the recommendations of the Shergold review and establishes a board with the functions and membership necessary to provide comprehensive oversight of vocational education and training reform. Clause 6 of the bill outlines the functions of the board.

The board will provide the Government with independent strategic advice on all aspects of the vocational education and training sector. It will oversee the implementation of major reform of the vocational education and training sector, including training market design, the provision of accurate consumer information on vocational education and training and appropriate consumer protections, and quality assurance. It will monitor and advise on the performance of the vocational education and training system, including its financial performance and sustainability; gather and analyse labour market intelligence in relation to skills shortages and future skills and workforce development needs in New South Wales; advise on the allocation of State and Commonwealth vocational education and training funding and the New South Wales vocational education and training budget; develop strategic skills plans that reflect government priorities for vocational education and training in New South Wales and research plans; and facilitate school, vocational education and training and higher education pathways.

The board will be assisted by staff in the Department of Education and Communities and will be able to investigate any matter in relation to skills, training and higher education referred to it or on its own initiative. The new NSW Skills Board will have the membership expertise to enable it to carry out its functions effectively and reliably and to stand up to scrutiny. As outlined in clause 5 of the bill, board members will be required to have skills and knowledge of market operations and financial, project and risk management, as well as a sound knowledge of skills development and higher education. The board will be made up of not more than eight ministerial appointees. These appointees will become the inaugural members of the NSW Skills Board upon the passage of this legislation. I announced the new board members at the New South Wales Training Awards on 5 September.

The Chair of the NSW Skills Board will be Philip Clarke, AM, who has an outstanding record in education, law and business. Other members are: Adam Boyton, Chief Economist at Deutsch Bank; Gemma Van Halderen from the Australian Bureau of Statistics; former member of Parliament and small business operator Kay Hull; Jack Manning Bancroft, Chief Executive Officer of the Australian Indigenous Mentoring Experience; Marie Persson, former Deputy Director General of TAFE NSW; Mark Goodsell from the Australian Industry Group; and Leslie Loble, Chief Executive, Office of Education, Department of Education and Communities. A recent article in the *Australian* by John Ross commended the "impressive line-up of business and government heavyweights" that will make up the board. This dynamic group of individuals has the right mix of skills and experience to meet the New South Wales Government's expectations for the board in its oversight of the New South Wales training market and reform of the vocational education and training system.

I turn briefly to other parts of the bill. Clause 4 establishes the board as a body corporate under the name of the NSW Skills Board. Schedules 1 to 3 to the bill outline requirements in relation to members and procedures of the board; savings, transitional and other provisions; and amendment to other legislation. Schedule 4 to the bill repeals the enabling legislation of the Board of Vocational Education and Training, that is, the Board of Vocational Education and Training Act 1994. There are a number of key benefits for New South Wales associated with this bill. The bill creates the NSW Skills Board to ensure that vocational education and training priorities and reform directions are sensitive to the needs of industry, consumers and the State economy. To achieve this, the board will consult with reference groups for industry providers and consumers.

The board will monitor progress towards and facilitate the achievement of State priorities and targets for vocational education and training and higher education, including those that we have committed to in State and Commonwealth agreements. These include targets to increase higher level qualifications, as well as increase participation and improved educational outcomes for those from regional and rural New South Wales, Aboriginal and Torres Strait Islanders and people from lower socio-economic status backgrounds. The new board will also mitigate risk associated with the major reform of vocational education and training system in New South Wales. Through this bill, the NSW Skills Board will be established with the appropriate functions and membership to ensure reliable advice to the Government, rigorous oversight of the New South Wales training market, and major vocational education and training reform. I commend the bill to the House.

**Debate adjourned on motion by Ms Carmel Tebbutt and set down as an order of the day for a future day.**



**CRIMES AND COURTS LEGISLATION AMENDMENT BILL 2013**

**Bill introduced on motion by Mr Greg Smith, read a first time and printed.**

**Second Reading**

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [3.41 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes and Courts Legislation Amendment Bill 2013. The purpose of the bill is to make miscellaneous amendments to courts and crime-related legislation as part of the Government's regular legislative review and monitoring program. The bill amends a number of Acts to improve the efficiency and operation of the State's courts and tribunals and criminal laws. I will now outline each of the amendments in turn. Item [1] of schedule 1 amends the definition of "domestic violence death" for the purposes of the investigation of deaths by the Domestic Violence Death Review Team. The Domestic Violence Death Review Team was established in 2010 under the Coroners Act 2009. It investigates the causes of domestic violence deaths in New South Wales to reduce their incidence by improving relevant systems and services. These amendments are made in response to recommendations of the Domestic Violence Death Review Team's most recent annual report.

There are two aspects to the amendment. First, it clarifies that the team can investigate only deaths that occur in the context of domestic violence. Secondly, the definition of "domestic violence death" is expanded to include deaths of persons who are bystanders to domestic violence, who were new partners or mistakenly believed by the perpetrator to be a new partner of a former partner of the perpetrator, or who were a relative or kin of a person in a domestic relationship with the perpetrator. Item [4] of schedule 1 amends the definition of "domestic relationship" for the purposes of investigations to remove the qualification that there must have been previous episodes of domestic violence between the person and the perpetrator.

Item [5] of schedule 1 replaces the list of members of the Domestic Violence Death Review Team to reflect the change in name for certain positions and departments and to include a representative of Corrective Services NSW as a member of the team. Items [2], [3] and [6] of schedule 1 make consequential amendments, including amending the definition of "domestic relationship" in section 101C of the Coroners Act 2009. Item [1] of schedule 2 clarifies section 4 of the Crimes (Appeal and Review) Act 2001. That section provides that an application for annulment of a conviction or sentence may be made if the applicant did not appear before the Local Court when the conviction or sentence was imposed. Section 4 was previously section 100D of the now repealed Justices Act 1902, which made clear that an annulment application could only be made in relation to a conviction or order made in the absence of the applicant or any sentence imposed in their absence.

Section 4 is less clear, however, and applicants have successfully applied for annulment where they have been convicted in their absence in order to effectively overturn sentences subsequently imposed when they were in court. This contributes to inefficiency and effectively provides for an irregular avenue of sentence appeal. The bill will amend the section to clarify that the applicant may seek to annul only a particular conviction or sentence made in his or her absence. A further amendment is also proposed to ensure that annulment applications are made only in appropriate circumstances. Section 182 of the Criminal Procedure Act 1986 allows an accused to elect to have a matter dealt with in their absence by lodging notice in writing of an intention to plead guilty or not guilty. If the accused elects to plead guilty and proceeds to sentence, they may also lodge material that the magistrate can take into account in mitigation. Subsection 182 (3) provides that where a person lodges such a notice they are not required to attend court and are taken to have attended court on that date.

However, some accused are also successfully making annulment applications under section 4 on the basis of being convicted in their absence while they had in fact elected to have the matter dealt with in their absence under section 182. Item [1] therefore amends section 4 to make clear that persons who elect to have their matter finalised in their absence cannot then apply to have their conviction or sentence annulled on the basis they were not "in appearance" before the court. These amendments will not lead to reduction in the rights of accused persons but will clarify the ambiguity of the provisions. Item [2] of schedule 2 amends section 23 of the Crimes (Appeal and Review) Act 2001. Section 23 provides for appeals by prosecutors against sentences and costs orders. However, it refers only to sentences when providing for the 28-day limitation period in section 23 (3), thereby implying that appeals against costs may be made by prosecutors at any time.

Item [2] will amend section 23 (3) to provide that appeals in relation to both sentences and costs must be lodged within 28 days. Item [1] of schedule 3 amends section 3 (1) of the Crimes (Forensic Procedures) Act 2000 to make clear that the definition of "non-intimate forensic procedures" includes measurements of total height and body parts. The Crimes (Forensic Procedures) Act regulates "intimate forensic procedures" such as taking tissue, bodily fluid and intrusive measurements and "non-intimate forensic procedures" such as photographs and body measurements. Section 3 (1) of the Act defines these non-intimate forensic procedures. Without consent, these require the order of a senior police officer for people in custody or a court order for people not in custody. Section 133 of the Law Enforcement (Powers and Responsibilities) Act 2002 provides that police may take all necessary identification evidence where a person is in lawful custody.

Amending section 3 (1) so that non-intimate forensic procedures include height and body part measurements will provide for consistency with the Law Enforcement (Powers and Responsibilities) Act and ensure that courts are empowered to make orders for such measurements under the Crimes (Forensic Procedures) Act where people are not in custody. The Supreme Court has commented on the apparent anomaly in two recent cases. It held in the 2012 decision of *Coffen v Goodhart* that the definition of "non-intimate forensic procedure" in section 3 (1) does not include measurements of total height. The court's reasoning was subsequently applied in the decision of *ACP v Munro* in relation to total height and body measurements. The presiding judge in the latter case queried whether Parliament should address the anomaly, which precluded orders for either total height or body part measurements unless for biomechanical analysis.

Item [1] of schedule 4 amends section 43 of the Crimes (Sentencing Procedure) Act 1999, which permits a court to reopen proceedings where it has imposed a penalty contrary to law or failed to impose a penalty required by law. Section 43 (6) lists the types of penalties to which the provision applies. Amendments to the Graffiti Control Act 2008, which commenced on 10 December 2012, included allowing courts to impose a driver licence order in respect of a graffiti offence. It is proposed to include these orders in section 43 (6) to ensure that a court that makes an error when imposing a driver licence order can reopen proceedings to correct it. Item [1] of schedule 5 amends section 306M of the Criminal Procedure Act 1986, which defines "personal assault offence" for the purposes of determining when a vulnerable person may give evidence by closed-circuit television [CCTV]. Section 306M currently refers to repealed sections 562ZG and 562I of the Crimes Act 1900. Those sections previously provided for the offences of intimidation or stalking and breach of an apprehended violence order respectively. Those offences are now contained in sections 13 and 14 of the Crimes (Domestic and Personal Violence) Act 2007. The proposed amendments will update the references to those offences in the definition of "personal assault offence" in section 306M.

Schedule 6 amends sections 3 and 11B of the Drug Misuse and Trafficking Act 1985 to extend the offences in the Act that apply to "tablet press" and "drug encapsulator" and unique parts of such devices. Section 11B of the Drug Misuse and Trafficking Act 1985 makes it an offence to possess a tablet press without lawful excuse, with a maximum penalty of 20 penalty units and/or two years imprisonment. Section 24A of the Act makes it an offence to possess drug manufacture or production apparatus with intent to manufacture illicit drugs. What constitutes a drug manufacture or production apparatus is set out in schedule 3 to the Drug Misuse and Trafficking Regulation 2011, and it currently includes pill or tablet presses. Section 24A carries a maximum penalty of 2000 penalty units and/or 10 years imprisonment. In order to address concerns expressed by the NSW Police Force that the term "tablet press" in the Act would not capture drug encapsulators, item [1] of schedule 6 includes a definition of "drug encapsulator" to capture all machines capable of producing prohibited drugs.

A "drug encapsulator" will be defined as a device that is capable of being used to produce a prohibited drug in a capsule or similar form and includes a unique part of any such device. A definition of "tablet press" also will be included, essentially replicating the existing reference in section 11B. The offence in section 11B also will be amended to apply to both tablet presses and drug encapsulators. Currently, a disassembled tablet press, or one from which a single vital part has been removed, may fall outside the definition in section 11B as it would not be "capable of being used to produce a prohibited drug". Therefore, the amended definition of "tablet press" and the definition of "drug encapsulator" also include "a unique part of such a device" so that the offence provisions will capture these items. The use of the term "unique parts" should ensure that common machine parts used in machines other than tablet presses and encapsulators are not captured by the offence provisions.

Item [1] of schedule 7 is a consequential amendment to schedule 3 of the Drug Misuse and Trafficking Regulation 2011 so that it also refers to drug encapsulators. This means that those devices also will be captured as drug manufacture or production apparatus for the purposes of the offence in section 24A of the Act. The existing defences to the offences are not affected and will remain in place. Item [1] of schedule 8 amends section 19 of the Evidence Act 1995 in response to a recommendation of the New South Wales Supreme Court

in *LS v Director of Public Prosecutions and Another*. This does not represent any change to the law of spousal privilege but simply clarifies an ambiguous provision. Section 18 of the Evidence Act 1995 allows a person to object to giving evidence against certain family members, including their spouse or de facto partner in criminal proceedings. If such an objection is raised, the court can excuse the person from giving the evidence if it finds that it would harm the witness, or their relationship, and the harm outweighs the desirability of the evidence being given.

Section 279 of the Criminal Procedure Act 1986 creates a separate privilege regime for people who are giving evidence against a spouse or de facto partner in a domestic violence or child assault offence. Section 279 applies different considerations for the court when considering whether to excuse a spouse from giving evidence in these matters. Section 19 of the Evidence Act 1995 presently states that section 18 does not apply "in proceedings for an offence against or referred to in section 279". It is clearly intended to exclude the application of section 18 to spouses and de facto partners who are giving evidence, if the regime in section 279 of the Criminal Procedure Act applies to them instead. However, in the LS case the court noted that the wording of section 19 of the Evidence Act 1995 does not make this intent clear, particularly because the words "referred to" are open to broad interpretation.

In the light of that decision, it is proposed to amend section 19 of the Evidence Act 1995 to clarify that section 18 of that Act does not apply if the person could be compelled to give evidence in proceedings under section 279. This amendment does not alter the existing provisions and simply makes the provision clear in accordance with the Supreme Court's decision in LS. Schedule 9 amends the Justices of the Peace Act 2002 to provide legislative authority for a justice of the peace to certify a copy of an original document as a true and accurate copy. There is presently no legal basis under any New South Wales Act for a justice of the peace to certify copies of original documents, despite this being a function commonly performed by them. Item [2] of schedule 9 therefore inserts section 8A into the Act, which expressly provides that a justice of the peace may certify copies of original documents.

Item [1] of schedule 10 amends section 229 of the Law Enforcement (Powers and Responsibilities) Act 2002, which provides the Local Court with jurisdiction in respect of applications for property in police custody. Section 229 presently restricts applications to circumstances in which the value of the property does not exceed \$40,000. The amendment will amend the limit to \$100,000 to align it with the court's current jurisdictional limit in civil proceedings, which is \$100,000. Item [1] of schedule 11 removes section 33 (1) (d) of the Local Court Act 2007 to unify the procedure for administering applications for possession and delivery of goods so that they are consistent with other actions under the Australian Consumer Law in the civil jurisdiction of the Local Court. The proposal is in response to the conferral of jurisdiction on the Local Court under the Commonwealth National Consumer Credit Protection Act 2009. Under section 187 of that Act, the court may determine matters under the national credit code, including authorising a credit provider to take possession of mortgaged goods and ordering a person in possession of mortgaged goods to deliver them to a credit provider.

This jurisdiction is subject to the court's general jurisdictional limits. Some applications must be commenced as civil proceedings, but others must be commenced as special jurisdiction applications even when the substantive orders sought are the same. The situation is confusing for plaintiffs, defendants and the court. Removing section 33 (1) (d) ensures that all proceedings for these orders are heard and determined by the court in its civil jurisdiction, thus unifying the procedure with other applications under the Australian Consumer Law in the Local Court. Schedule 12 amends sections 40 (3) and 40 (4) of the Minors (Property and Contracts) Act 1970 to increase the jurisdictional limits of the District Court and Local Court when dealing with certain matters under the Act relating to contractual and testamentary capacity and proprietary rights and obligations of people under the age of 21. For example, the Act regulates a court's power to affirm a civil act, such as a contract, on behalf of a minor. The District Court's current jurisdictional limit under the Act refers to proceedings where the matter in question does not exceed \$100,000.

It is proposed to increase this limit to align with the District Court's current jurisdictional limit in civil proceedings of \$750,000. The Local Court's current jurisdiction under the Act is limited to proceedings where the matter in question does not exceed \$10,000. It is proposed to amend this limit to \$100,000 to align it with the Local Court's current jurisdictional limit in other civil proceedings. The Supreme Court's unlimited jurisdiction will remain. Items [1] and [5] of schedule 13 to the bill clarify the procedure to be followed when a person making a statutory declaration cannot read English. In New South Wales, a statutory declaration or affidavit must be written in English. Sections 24A and 27A of the Oaths Act 1900 establish additional safeguards that an authorised witness must follow when a person making a statutory declaration or affidavit is blind or illiterate. The courts have interpreted the word "illiterate" to include circumstances where the person is

illiterate in English, even if they may be literate in another language. To clarify the legislation, items [1] and [5] of schedule 13 will reword sections 24A and 27A so that those provisions use the wording "illiterate or otherwise unable to read written English".

Section 26 of the Oaths Act 1900 has been interpreted as meaning justices of the peace do not have legislative authority to witness affidavits or statutory declarations that are intended for use in jurisdictions other than in New South Wales, even where the laws of the relevant jurisdiction would permit the New South Wales justice of the peace to do so. There are certain occasions where justices of the peace may need to take affidavits to be used in non-New South Wales courts or may be asked to witness statutory declarations for use in other jurisdictions. Items [2] and [3] of schedule 13 will therefore clarify that the authority of a justice of the peace to take an oath, declaration or affidavit in New South Wales for use in New South Wales also extends to oaths, declarations or affidavits made for use in jurisdictions other than New South Wales.

I am advised that the Oaths Act allows affidavits and statutory declarations to be made by more than one deponent or declarant. However, this is not clearly stated. Item [4] of schedule 13 clearly establishes how these may be made. Section 34 of the Oaths Act 1900 requires that a person witnessing a statutory declaration or affidavit must fulfil certain identity requirements. The witness must see the face of the other person, know them or confirm their identity in accordance with the regulations and certify on the declaration or affidavit that those identity requirements have been complied with. Item [6] of schedule 13 will clarify that the section 34 identification requirements do not apply to Commonwealth statutory declarations or affidavits. There are good reasons for that and the Commonwealth Statutory Declarations Act 1959 covers those. An affidavit made in New South Wales for use in proceedings in a Commonwealth court will be governed by the Evidence Act 1995 and the relevant Commonwealth court rules.

Item [1] of schedule 14 replaces the existing definition of "restricted record" in section 3 of the Telecommunications (Interception and Access) Act 1987 with a definition consistent with the relevant Commonwealth legislation. The definition of "restricted record" currently includes a record of information obtained by means of interception, such as transcripts and references to intercepted material, as well as any copies made of such records. The Commonwealth definition is different, so amendment is now being made to make them consistent with each other. Sections 5 and 8 of the New South Wales legislation create strict record-keeping obligations for restricted records. The disparity in the definition of "restricted record" under the New South Wales and Commonwealth Acts creates significant administrative burdens and other jurisdictions have already changed their definitions to reflect the Commonwealth definition. It is proposed to do the same with the New South Wales Act.

Item [2] of schedule 14 omits section 4 (c) of the Telecommunications (Interception and Access) Act 1987. Section 4 (c) requires the chief officer of an eligible authority to keep a copy of each instrument revoking a telecommunications interception warrant. The copy must be certified in writing by a certifying officer to be a true copy of the instrument. This has come about as a result of the widening of access to the telecommunications interception power, which was originally just with the Australian Federal Police. New South Wales Police and various other agencies are now able to apply for telecommunications interception warrants. Item [2] of schedule 15 amends section 66 of the Young Offenders Act 1997 to allow de-identified information about warnings, cautions and conferences to be disclosed to the Australian Bureau of Statistics and the Australian Institute of Criminology for research and statistical purposes. Item [3] of schedule 15 retrospectively authorises the information exchange that has occurred to date so that those bodies can retain the information they have already collected and used. The de-identified information that New South Wales police provide to those agencies includes a unique identifier for each person proceeded against, their age, sex, Indigenous status and various other matters.

This information is provided to the Australian Bureau of Statistics on the basis that it is Australia's official statistical organisation. In particular, the National Crime Statistics Unit of the Australian Bureau of Statistics provides a national review of crime in Australia as well as comparable data across jurisdictions. This is clearly in the public interest. Similarly, information is provided to the Australian Institute of Criminology for evidence-based research. Item [1] of schedule 15 confirms that, like the Bureau of Crime Statistics and Research and the Ombudsman, the Australian Bureau of Statistics and the Australian Institute of Criminology do not have to comply with requirements for the destruction of records under the Young Offenders Act. Schedule 16 amends the Young Offenders Regulation to clarify and legalise the fact that information that has already been supplied to those agencies and used is valid. The amendment also makes it clear that publications of such material must not identify any child. I commend the bill to the House.

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

**HEAVY VEHICLE (ADOPTION OF NATIONAL LAW) AMENDMENT BILL 2013****Second Reading****Debate resumed from 11 September 2013.**

**Mrs ROZA SAGE** (Blue Mountains) [4.06 p.m.]: I make a brief contribution to the Heavy Vehicle (Adoption of National Law) Amendment Bill 2013. Most heavy transport vehicles operate across borders, so it makes sense to have uniform national legislation governing those trucks and businesses. This legislation is another piece in the jigsaw to enable the Heavy Vehicle National Law in New South Wales. It makes modification to the national law in its application to New South Wales to reserve existing registration laws for heavy vehicles until the anticipated beginning of national registration under the national law in 2015. It also makes modifications to the national law, Heavy Vehicle (Fatigue Management) National Regulation and Heavy Vehicle (Vehicle Standards) National Regulation in their application to New South Wales to preserve the operation of certain productivity initiatives and enforcement provisions. As well, this bill sets out the terms of the proposed Heavy Vehicle (Adoption of National Law) Regulation 2013, which will be taken to be a regulation under the Heavy Vehicle (Adoption of National Law) Act 2013.

The move to national legislation will allow for seamless, harmonised road rules across Australia and will decrease red tape for the trucking industry, which in turn will improve road freight productivity. New South Wales roads carry a huge 60 per cent of Australia's national freight, so the passing of legislation enabling the Heavy Vehicle National Law will have a big impact on the ultimate prosperity of the nation. A seamless national economy will aid in Australia's long-term growth and enable labour mobility and a greater uniformity of business opportunity, to name a few of the benefits. The Heavy Vehicle National Law will be responsible for those day-to-day functions pertaining to truck standards, loads, speed, mass and dimension, as well as those regulations relating to driver behaviour.

As part of the heavy vehicle and enforcement aspects of the trucking industry, New South Wales has the largest, best equipped and most active heavy vehicle inspection force in the country. In partnership with the NSW Police Force, the Roads and Maritime Services has stringent compliance activity. The Great Western Highway, which in essence bisects the Blue Mountains electorate, is not one of the major freight routes in New South Wales but it does carry road freight from the central west to Sydney markets. Often I receive complaints from residents about speeding trucks and truck drivers behaving badly. The trucks passing through the mountains account for a minority of those complaints but, as is always the case, the minority reflects badly on the majority. The local police and the Roads and Maritime Services enforcement section have been receptive and proactive to my requests to clamp down on errant truck behaviour. The highway patrol and Roads and Maritime Services have frequently undertaken enforcement operations in various locations in the Blue Mountains especially targeting heavy vehicles.

As part of the heavy vehicle monitoring and enforcement program, New South Wales has a system of heavy vehicle checking stations with eight stations statewide, two of which are in the Blue Mountains electorate—at Mount Boyce near Mount Victoria on the Great Western Highway and at Bell on the Bells Line of Road. The role of the checking station is to inspect heavy vehicles that may be operating illegally or in an unsafe manner. All heavy vehicles greater than eight tonnes are required to enter the checking station; failure to do so may result in a fine. The checking stations are equipped with various types of technology, such as Safe-T-Cam, Truck Scan and weigh plate technology. This debate gives me the opportunity also to address an issue of community concern I identified earlier: trucks parking at the Caltex service station at Mount Victoria. Many drivers were inappropriately using this stretch of road as a rest stop.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! There is too much audible conversation in the Chamber.

**Mrs ROZA SAGE:** Unfortunately, many drivers blocked residents' driveways, left refrigerated trucks running while they slept, urinated on front lawns and generally were not considerate of the local residents. Additionally, parking on the relatively narrow road shoulder was a safety issue. With the Minister's concurrence, I initiated a series of workshop meetings with Mount Victoria residents, facilitated by Roads and Maritime Services, to try to come to a solution. As no adequate truck stop with toilet facilities is available until Eastern Creek, many drivers stop at the Caltex service station to refuel, have a bite to eat and often rest before the drive to Sydney. Due to the Blue Mountains topography, there is no room to construct adequate truck stops that provide the required facilities. Roads and Maritime Services did a tremendous job in community consultation and is to be commended for its efforts. It was very much appreciated.

Together we thrashed out some ideas to assist residents, truck drivers and the Caltex service station. These recommendations will be acted on in the near future. The mutual agreement was that no easy solution, if any, was found for some issues, but a good consensus was achieved. This bill recognises that New South Wales has strict compliance standards and, therefore, the bill contains two differences from the National Law. The first relates to the continued use of vehicle-monitoring devices for heavy vehicles, including buses and coaches and, secondly, that operators be held accountable for non-compliant speed limiters. This bill will aid in the creation of a seamless heavy vehicle industry that can only benefit the nation. I commend the bill to the House.

**Mr NICK LALICH** (Cabramatta) [4.12 p.m.]: I support the Heavy Vehicle (Adoption of National Law) Amendment Bill 2013, which will amend the Heavy Vehicle (Adoption of National Law) Act 2013. The objects of this bill are:

- (a) to amend the *Heavy Vehicle (Adoption of National Law) Act 2013*:
  - (i) to make further provision to facilitate the adoption of the Heavy Vehicle National Law set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland (the **National Law**) as a law of New South Wales and its enforcement (including by making provision for savings and transitional matters), and
  - (ii) to make modifications to the National Law in its application to New South Wales to preserve existing registration laws for heavy vehicles pending the anticipated commencement of national registration under the National Law in 2015, and
  - (iii) to make modifications to the National Law, Heavy Vehicle (Fatigue Management) National Regulation and Heavy Vehicle (Vehicle Standards) National Regulation in their application to New South Wales to preserve the operation of certain existing local productivity initiatives and enforcement provisions, and
- (b) to set out the terms of the proposed *Heavy Vehicle (Adoption of National Law) Regulation 2013*, which will be taken to be a Regulation made under the *Heavy Vehicle (Adoption of National Law) Act 2013*, and
- (c) to make consequential and other related amendments to the road transport legislation and certain other legislation.

I am concerned, as are others on this side of the House, about the introduction of this piece of legislation. No more than three months ago the Heavy Vehicles (National Law) Bill 2013 passed through this House, and now we are being asked to amend that law. Why were these issues not raised in the original bill? This is sloppy and, frankly, disrespectful to the processes of this House. For the benefit of members opposite, the Opposition will not oppose this bill. The current legislation needs amending because without these proposed amendments it does not address the need for changes to the national law. Furthermore, the amendments enable Roads and Maritime Services to exercise the powers of an authorised officer under the national law. This will allow Roads and Maritime Services to exercise any power conferred by or under the law on an authorised officer.

The proposed amendments will enable an authorised officer to require the driver of a heavy motor vehicle to produce an Australian driver licence for compliance purposes. In addition, the amendments allow an authorised officer who is a police officer to use force against a person in the exercise of a function under the national law. New South Wales does the heavy lifting of enforcement employing hundreds of Roads and Maritime Services inspectors and spending more than any other State or Territory. Last year, some \$70 million was spent by the New South Wales Government enforcing heavy vehicle inspections, which is part of a bipartisan commitment to road safety that extends from the previous Government. In August 2011 the Premier committed our State to enacting the heavy vehicle national legislation model in line with other States and Territories. These reforms are necessary, as they have long been neglected.

Between one-quarter and one-third of all fatalities on New South Wales roads are caused by interstate drivers of heavy vehicles alone. Referring to objective (c) of the bill, the proposed amendments will also include the Road Transport (Mass, Loading and Access) Regulation 2005. Mass requirements on certain roads and bridges are addressed in clause 74 under which a council of a local government area or authority will be allowed to erect signs in certain places as a safety precaution on roads, bridges or road ferries to prohibit vehicles with a laden mass exceeding a specified maximum mass from passing along or over a road, bridge or causeway and from using a road ferry maintained in connection with a road.

The proposed amendments make the necessary changes to the existing legislation to give effect to the Heavy Vehicle National Law in New South Wales. These proposals will also ensure the necessary steps have been taken to address modifications to the road transport legislation. I have had a long association with councils.

My concern, which I hope this legislation addresses, is that many regional councils have signed to allow these heavy vehicles to travel certain roads within their areas. The 25 per cent container weight increase to enable full load mass will exacerbate damage to council roads.

**Mr Paul Toole:** They have better suspension these days.

**Mr NICK LALICH:** Better suspension! The weight remains. I ask that a clause be included stating that ratepayers will not carry the extra burden of repairing any council roads damaged by heavy vehicles and that the State Government or Roads and Maritime Services include that potential cost in whatever subsidy is provided to councils either through the better roads program or roads recovery funding. I ask the Minister to address that issue and consider providing councils with a subsidy so that ratepayers do not carry the burden of fixing roads broken by these heavy vehicles.

**Mr JAI ROWELL** (Wollondilly) [4.19 p.m.]: I speak to the Heavy Vehicle (Adoption of National Law) Amendment Bill 2013. This bill affirms the New South Wales Government's commitment to working with our State and Territory colleagues to cut red tape and reduce the regulatory burden on the heavy vehicle industry. The introduction of the Heavy Vehicle (Adoption of National Law) Amendment Bill 2013 will allow the National Heavy Vehicle Regulator to begin applying a more consistent set of rules for heavy vehicle drivers operating across participating State and Territory borders. However, one of the foundation principles of the reform is the acknowledgment that across all States in Australia differences in local conditions and industry requirements means that the retention of some local variations is necessary to ensure safety and productivity.

New South Wales' participation in the reform of heavy vehicle regulation has always been on the basis that safety standards would not be compromised. To this end, the New South Wales Government has been working with the national regulator and the heavy vehicle industry to ensure that key productivity and safety initiatives currently in place will be retained in New South Wales following the passage of the Heavy Vehicle National Law. A key example is the retention in New South Wales of the speed limiter deeming provisions. Under New South Wales provisions, it is considered *prima facie* evidence that the vehicle was not speed limiter compliant if the vehicle is being driven at or above 115 kilometres per hour. The New South Wales provision is directed at holding operators responsible for non-compliant speed limiters, as these are the people best placed to influence the culture of the company and the conduct of its employees.

Just last week, three Victorian registered B-double trucks were caught doing speeds in excess of 120 kilometres per hour on the Newell Highway in central west New South Wales. All were carrying fresh produce southbound on the heavily used Brisbane-to-Melbourne freight route. With speeding still such an issue, it is therefore understandable why the New South Wales bill has slightly different provisions to the national law. Let us not forget New South Wales is the through State for the eastern seaboard of Australia. While we are always looking for ways to increase flexibility and productivity, we are ever watchful of needing to balance the safety risks. Managing fatigue effectively is of central importance to the heavy vehicle industry and all other road users. As described by previous speakers today, New South Wales communities and roads experience interstate truck traffic like no other jurisdiction in the country by carrying 60 per cent of the national road freight task.

This presents some challenging road safety and infrastructure issues for New South Wales. The foreshadowed amendment to the bill deals with New South Wales' transition from the current Advanced Fatigue Management [AFM] to the new Risk Classification Scheme [RCS] to more closely align with the national law but at the same time recognises that New South Wales—due to its geographic location as a through State—has a different and higher risk of fatigue when compared to other States. This amendment will mean that the New South Wales law will no longer explicitly mention any outer limit hours; instead, the New South Wales Minister will be able to apply conditions if considered necessary to an advanced fatigue management accreditation approved by the regulator. We have done this to allow the Risk Classification Scheme to more easily apply in New South Wales in order for it to be tested and refined.

In practice, it is anticipated that on a day-to-day basis the national regulator will work very closely with New South Wales officials to assess Advanced Fatigue Management applications as they are submitted. It is expected that the New South Wales Minister would only exercise his ability to apply additional conditions in those circumstances when an accreditation approved by the national regulator is considered to be inappropriate or unsafe. Let us not forget Roads and Maritime Services heavy vehicle inspectors and the New South Wales police have been working on joint enforcement and compliance operations for years, whereas the national

regulator was only established this year. Put simply, our people have a great deal of knowledge and experience in heavy vehicle enforcement and compliance; they have seen and heard it all and hence have insights that others do not necessarily have.

It would be irresponsible for the New South Wales roads Minister not to heed the expert in-field advice and operational experience of New South Wales vehicle inspectors and police. It is expected that the National Heavy Vehicle Regulator will report back to State transport Ministers on any amendments to the Risk Classification Scheme that are necessary as a result of the post-implementation surveillance review they are undertaking. It is intended that the combination of the application of the national scheme and a system of New South Wales conditions, where appropriate and necessary, will allow for the most effective pilot of the Risk Classification Scheme approach.

New South Wales wants to be at the forefront of trialling this new approach and is looking forward to working closely with the national regulator and industry to finalise the best, most flexible and safest scheme possible. The onus is now on the national regulator to come forward and advise how the Risk Classification Scheme will operate in practice. Once the evaluation of the new approach is complete in the next couple of years and it has been demonstrated that it effectively manages fatigue, New South Wales will consider removing the ability for the New South Wales Minister to apply conditions. At that time, this interim approach, which is providing New South Wales with some added assurance given New South Wales's increased fatigue risk exposure, may no longer be required.

The bill also allows authorised officers to exercise various powers available to them under different pieces of legislation on the same occasion. For example, police may have stopped a vehicle for a road transport offence only to find that there were drugs on board as well. Likewise, in the case of Roads and Maritime Services inspectors, they may stop a vehicle for a dimension offence which is an offence under the National Heavy Vehicle Law but also discover a defective number plate which is an offence under the New South Wales registration regulation. These types of scenarios—things which can and do happen on the roads—need to be captured under New South Wales law.

The New South Wales bill also includes a number of modifications which have been included as part of the agreed National Heavy Vehicle Regulator principle of "Local Productivity Initiatives" and preserve certain exemptions to driver fatigue and speeding compliance provisions currently available in New South Wales law. They are included because there is no head of power in the Heavy Vehicle National Law. These provisions, which have been part of New South Wales law at the request of industry since 2008, include exemptions from speeding compliance provisions for emergency services, private hire vehicles and non-commercial buses, and exemptions for accredited bus operators and their drivers from certain fatigue requirements. These exemptions are particularly important, for example, for the Transport for NSW NightRide services.

A single national law to harmonise rules for heavy vehicles across the States is great. But in the process we do not want to inadvertently create problems for vital public transport services such as Nightrides. There are exemptions for non-commercial buses and private hire vehicles from certain fatigue requirements which require systems and record-keeping that are onerous in the circumstances, and an exemption to allow occupation of the driver seat to count as rest time in certain circumstances—which is particularly important to the cement and concrete industry because they cannot easily leave their vehicle or turn their vehicle off as the cement will be ruined. As you can see, there are logical and necessary reasons for differences between the national law and the New South Wales law. The examples include an exemption to allow a driver limited personal use of a vehicle as rest time; exemptions from fatigue requirements for emergency services; and exemptions from fatigue requirements in relation to emergencies.

It should also be noted that a number of other Local Productivity Initiatives are being retained by other mechanisms such as notices. This includes the current exemption for Advanced Fatigue Management and Basic Fatigue Management operators to be exempt from carrying a work diary within 100 kilometres of travel for a period of two years and an exemption for primary producers not driving outside a radius of 160 kilometres from the driver's base from completing a work diary when undertaking 100-kilometre work. The New South Wales Government and the Minister are getting on with the job through this amendment. The passage of this bill will allow for the benefits of a safe and efficient new national regulator to be realised within New South Wales. I trust members will lend their support to implementation of the Heavy Vehicle (Adoption of National Law) Amendment Bill 2013. I commend the bill to the House.

*[Business interrupted.]*



**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Order of Business****Motion by Mr STUART AYRES agreed to:**

That standing and sessional orders be suspended to postpone community recognition statements until the conclusion of proceedings on the Heavy Vehicle (Adoption of National Law) Amendment Bill 2013.

**HEAVY VEHICLE (ADOPTION OF NATIONAL LAW) AMENDMENT BILL 2013****Second Reading**

*[Business resumed.]*

**Mr STUART AYRES** (Penrith—Parliamentary Secretary) [4.28 p.m.], on behalf of Ms Gladys Berejickian, in reply: A number of members have flagged that the Government will move an amendment to this bill. I thank the members for the electorates of Tamworth, Cronulla, Lismore, Wollondilly, Blue Mountains and Keira for their contributions to this important debate. This bill will allow the National Heavy Vehicle Regulator to operate within New South Wales and asserts this Government's commitment to having a national reform for heavy vehicle regulation apply in New South Wales. It allows for the application of the heavy vehicle law in New South Wales while making necessary modifications to the application of the national law in New South Wales to preserve existing initiatives, which encourage safety and productivity for the heavy vehicle industry. It also repeals existing New South Wales heavy vehicle legislation which is now inconsistent with the nationally agreed approach. The application of the heavy vehicle national law within New South Wales will support the National Heavy Vehicle Regulator and allow it to take on extra functions to benefit the heavy vehicle industry during the remainder of 2013.

This legislation complements the application legislation passed by the House on 25 June this year and confirms the full commitment of New South Wales to the national heavy vehicle law. For many years industry has been seeking a national regulator for heavy vehicles and a consistent national heavy vehicle regulatory regime. The heavy vehicle industry is a key player in the push for productivity improvement, which is widely recognised as necessary to strengthen Australia's economy. The reforms will relieve the industry of operational inconsistencies and the myriad of legislative instruments that burden drivers and operators when they travel between States and Territories. In addition, the bill provides for innovative trial schemes such as the use of specific roads by heavy vehicles that are not currently accessible to them, fee payments to be used for the maintenance of these trial routes—which was important to the member for Cabramatta who also spoke on this bill—the issuing of permits to authorise participation in trial schemes pursuant to certain criteria, and the use of monitoring devices in connection with the trial scheme.

Since the passage of the application law in June, further development of the local productivity initiatives [LPI] has occurred in several jurisdictions. The plan is to expand these initiatives to other suitable areas of the country, thereby yielding further efficiency gains and a reduction in the cost of regulation. This bill honours the commitment of New South Wales to the June 2009 decision of the Council of Australian Governments to establish the National Heavy Vehicle Regulator. This commitment, in association with the national regulators for rail and maritime, is the key piece of this consistent, harmonised transport regulation which is designed to effect a seamless national economy. It is a fine example of the New South Wales Government working closely and collaboratively with other jurisdictions and the Commonwealth to cut red tape and deliver effective outcomes for the industry while maintaining high safety standards.

It is important that I acknowledge some of the industry sectors that have raised issues concerning the sunset clauses relating to prosecutions. As previously stated, the current New South Wales provision covering the power to commence proceedings mirrors a provision in the Victorian bill. Its intention is to make prosecutions more secure under the national law rather than an independent power for agencies in New South Wales. Given that the New South Wales and Victorian governments considered it necessary during the drafting process to include such a provision, there may be a case to include similar provisions in the application law of other States or to amend the national law. New South Wales is committed to raising the issue among Federal and State Ministers at the next meeting of the Standing Council on Transport and Infrastructure so that the national position can be adopted. I commend the bill to the House.

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

**Bill read a second time.**

**Consideration in detail requested by Mr Stuart Ayres.**

### Consideration in Detail

**The DEPUTY-SPEAKER (Mr Thomas George):** By leave, I shall propose the bill in groups of clauses and schedules.

#### Clauses 1 to 5 agreed to.

**Mr STUART AYRES** (Penrith—Parliamentary Secretary) [4.33 p.m.], by leave: I move Government amendments Nos 1 to 3 on sheet C2013-122A in globo:

No. 1 Pages 19–21, schedule 1 [32], line 19 on page 19 to line 3 on page 21. Omit all words on those lines.

No. 2 Page 22, schedule 1 [32]. Insert after line 10:

#### [10] Section 462A

Insert after section 462:

#### 462A Conditions imposed on AFM accreditations by responsible Minister

- (1) Apart from the conditions referred to in section 462, an AFM accreditation is also subject to any conditions that may be imposed by the responsible Minister for this jurisdiction under this section.
- (2) The responsible Minister for this jurisdiction may, by notice given to the holder, impose either or both of the following kinds of conditions on an AFM accreditation—
  - (a) conditions specifying different AFM hours to those that would otherwise apply to drivers of heavy vehicles while operating under the accreditation in this jurisdiction;
  - (b) conditions that require compliance with different or additional standards or business rules (or both) to the AFM standards and business rules in relation to heavy vehicles while operating under the accreditation in this jurisdiction.
- (3) A condition imposed under this section has effect (and must be complied with) despite anything to the contrary in any of the following—
  - (a) the AFM accreditation (including any conditions referred to in section 462 to which the accreditation is subject);
  - (b) the AFM standards and business rules;
  - (c) Chapter 6 (particularly, section 257) and this Chapter;
  - (d) an exemption, notice or permit issued or granted under Division 8 of Part 6.3.
- (4) The responsible Minister for this jurisdiction may, by further notice given to the holder, revoke a condition that has been imposed under this section.
- (5) The responsible Minister for this jurisdiction must, as soon as practicable, notify the Regulator, in writing, of any condition imposed or revoked under this section.

**Note**—This section is inserted for New South Wales.

#### [11] Section 464 Accreditation certificate for heavy vehicle accreditation etc.

Insert "or by the responsible Minister for this jurisdiction under section 462A" after "the Regulator" in section 464 (2) (c).

#### [12] Section 464 (2)

Insert at the end of the subsection:

**Note**—Subsection (2) (c) is amended for New South Wales by inserting "or by the responsible Minister for this jurisdiction under section 462A" after "the Regulator".

#### [13] Section 464 (2A)

Insert after section 464 (2):

- (2A) If an AFM accreditation certificate inaccurately states the conditions applicable to the accreditation because of the imposition or revocation of a condition under section 462A, the Regulator is to issue a replacement certificate to the holder as soon as practicable after the Regulator is informed by the responsible Minister for this jurisdiction of the imposition or revocation of the condition.

**Note**—Subsection (2A) is inserted for New South Wales.

No. 3 Pages 23–25, schedule 1 [32], line 11 on page 23 to the line before line 1 on page 25. Omit all words on those lines.

I amend the New South Wales Heavy Vehicle (Adoption of National Law) Amendment Bill 2013. The amendment to the bill relates to the treatment of fatigue management in New South Wales and is in response to concerns industry has raised about the current provisions. Since the introduction of the bill, the New South Wales Government has heard the message that it should be more closely aligned with the national law when managing the transition from the current advanced fatigue management to the new risk classification scheme. This amendment will mean that the New South Wales law will no longer explicitly mention any outer limit hours. Instead, the New South Wales Minister will be able to apply conditions, if considered necessary, to an advanced fatigue management accreditation approved by the National Heavy Vehicle Regulator. This is to allow the risk classification scheme to be more easily applied in New South Wales in order for it to be tested and refined. This means that a driver would, for the first time, under tightly controlled circumstances, be able to work for 15½ hours in a 24-hour period. This is an increase of half an hour compared to that currently in place in New South Wales.

Victoria, Queensland and South Australia have agreed to 15½ hours under the national law. However, while we are always looking for ways to increase flexibility and productivity, we are ever watchful of the risks. Managing fatigue is of utmost importance to the heavy vehicle industry and other road users. The roads of New South Wales carry 60 per cent of the national road freight task and thus experience more interstate truck traffic than any other jurisdiction in the country. This presents some challenging road safety and infrastructure issues for New South Wales. Approximately one-third of casualty crashes in New South Wales involve fatigued drivers of heavy vehicles from interstate. Nearly half of the truck drivers of articulated trucks involved in crashes were Queenslanders, and Victorians accounted for 40 per cent. Also, 26 per cent of single vehicle casualty crashes, which usually indicate speed or fatigue, involved interstate drivers.

Given that New South Wales is geographically located in the middle of the eastern seaboard, it is more likely that fatigued drivers will find themselves within New South Wales borders after commencing journeys in neighbouring States. The current amendment retains the ability for the New South Wales Minister to impose conditions in circumstances where the risk of fatigue is not being managed appropriately. It is anticipated that the national regulator will work closely with New South Wales officials on a day-to-day basis to assess advanced fatigue management applications as they are submitted. It is expected that the New South Wales Minister will only exercise his ability to apply additional considerations in those circumstances when an accreditation approved by the National Heavy Vehicle Regulator is considered unsafe or inappropriate. The condition may relate to driving hours, rest times or additional compliance with business rules, or business practices considered necessary to effectively manage risk.

As stated previously, New South Wales supports the new risk classification scheme because it provides an opportunity for operators to balance their risks. For example, it may allow for more work time during the day if a longer evening rest is taken by a driver of a heavy vehicle. New South Wales supports this concept and recognises the productivity benefits it could bring to industry through increased flexibility, particularly for rural and regional transport operators such as livestock and grain carriers. Line haulage operators run clearly defined routes between major cities and regional centres, whereas livestock and grain carriers are affected by the vagaries of weather and/or harvesting operations. Therefore, added flexibility may be appropriate.

However, this scheme has not yet been piloted in any infield environment. There is more information to be gathered, for example, on how risk parameters interact with other factors and which countermeasures are appropriate. The National Heavy Vehicle Regulator will conduct a post-implementation surveillance review of the risk classification schemes at 12, 24 and 36 month intervals following its implementation. It is expected that the National Heavy Vehicle Regulator will report back to the State Ministers for Transport on any necessary amendment to the risk classification scheme. It is intended that the combination of the application of the national scheme and a system of New South Wales conditions, where appropriate and necessary, will allow for the most effective pilot of the risk classification approach to be conducted.

The New South Wales Government wants to be at the forefront of trialling this new approach and is looking forward to working closely with the National Heavy Vehicle Regulator and industry to finalise the best, most flexible and safest scheme possible. The onus is now on the National Heavy Vehicle Regulator to come forward and advise how the risk classification scheme will operate in practice. Once the evaluation of the new approach is complete and it has been demonstrated that it effectively manages fatigue, the removal of the New South Wales Minister's ability to apply conditions will be considered. At that time, this interim approach, which is providing New South Wales with some added assurance, given the increased risk of fatigue in New South Wales, may no longer be required. I recommend the proposed amendment to the House.

**Mr RYAN PARK** (Keira) [4.39 p.m.]: The Opposition supports these amendments. As I said yesterday, Opposition members have worked closely and cooperatively with the Government to ensure that these amendments were in line with the proposed national legislation, which is important. I again thank the Minister's officers and departmental officials for taking the time to work through concerns that industry raised with me. I understand that we now have a consensus view about alignment with the national regulations, which we are all keen to see adopted. As I said, the Opposition will not oppose the amendments.

**Question—That Government amendments Nos 1 to 3 [C2013-122A] be agreed to—put and resolved in the affirmative.**

**Government amendments Nos 1 to 3 [C2013-122A] agreed to.**

**Schedule 1 as amended agreed to.**

**Schedules 2 to 4 agreed to.**

**Consideration in detail concluded.**

### **Third Reading**

**Motion by Mr Stuart Ayres, on behalf of Ms Gladys Berejikian, 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.**

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! It being after 4.30 p.m., we will now proceed to the making of community recognition statements. Each member will be able to make at least one statement.

### **COMMUNITY RECOGNITION STATEMENTS**

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#### **PACIFIC PALMS SURF LIFE SAVING CLUB LIFE MEMBERSHIP**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.41 p.m.]: Annette Sanders and Dave Ellis have been awarded life membership of the Pacific Palms Surf Life Saving Club. Annette Sanders has been a patrolling member for more than 20 years, a patrol captain, a trainer, an assessor, a mentor and a level one surf official. Annette has also been club captain, chief instructor and junior activities chairperson on the club committee. She has also competed at branch, country, State and Australian levels, winning numerous medals. Dave Ellis has also been a patrolling member for 20 years. He has been a patrol vice-captain, an inflatable rescue boat and jetski driver, a trainer and an assessor. He has also been club president, vice-president, chief instructor and first aid officer and has served on numerous subcommittees. Dave was instrumental in having Great Lakes Council lifeguards on Elizabeth Beach during holiday periods.

#### **NATIONAL SERBIAN FOLKLORIC FESTIVAL**

**Mr PAUL LYNCH** (Liverpool) [4.42 p.m.]: I draw the attention of the House to the annual National Serbian Folkloric Festival held on 11 August 2013. The festival occurred at the Bonnyrigg Sports Club in Bonnyrigg within my electorate. It was the twenty-seventh annual festival and it featured folkloric groups from around Australia, including from as far away as Perth. Guests were greeted by Bonnyrigg Sports Club President Jovan Cubrilo and the festival was officially opened by his Grace Bishop Irinej. The comparatively recently arrived Charge d'Affaires of the Embassy of the Republic of Serbia in Canberra, Zoran Markinovic, also addressed the audience. Sydney-based Consul-General Branko Radosevic was also present. Folkloric dancing fulfils a number of different roles. Obviously it maintains the culture and traditions of Serbs in the diaspora, but it also has a social aspect. It is also a reminder of the history of Serbia. The Balkans is a place where several empires over time have decided to fight their battles. I was delighted to be able to attend this event.

### ILLAWARRA HEALTH SERVICES

**Mrs SHELLEY HANCOCK** (South Coast—The Speaker) [4.43 p.m.]: I am delighted to inform the House that last week Illawarra-Shoalhaven Medicare Local announced a new partnership with Parkinson's NSW to continue providing a neurological nurse service for Parkinson's disease sufferers in the Shoalhaven. In fact, the new partnership will see the existing service expanded to the Kiama region. Marilia Pereira was appointed to the position of neurological nurse in a two-year pilot program. Despite its success, Federal government funding was discontinued last year. The local program, which has been running for the past three years thanks to the generous support of the community, aims to keep Parkinson's disease sufferers in their homes longer and to provide practical assistance. In December last year, along with the now new member for Gilmore, Ann Sudmalis, I launched a petition calling on the former Federal Government to provide funding to continue the services of the Shoalhaven-based neurological nurse educator. To date, the petition has garnered almost 1,500 signatures. Marilia Pereira, our local neurological nurse, is a highly valued contributor to primary health care in the region and ensures those suffering from Parkinson's disease on the South Coast are given the utmost professional care and treatment.

### WAYSIDE CHAPEL

**Mr ALEX GREENWICH** (Sydney) [4.44 p.m.]: I acknowledge the fantastic work of the not-for-profit organisation The Wayside Chapel. Established in 1964 with the strong motto "Making community with no 'Us and Them'", the chapel provides practical and emotional support seven days a week for people in need of help living in the Kings Cross area. With more than 48,000 visits last year, it helps those in the community who experience crisis by providing practical help such as showering facilities, low-cost meals, clothing and support in finding accommodation. It also provides a welcoming and non-judgemental environment—people can simply have a coffee and a chat. The Wayside Chapel also delivers services such as the Wayside Youth program, which helps youths who may be at particular risk or who are in crisis, and the Aboriginal Project which brings the Indigenous community together in a way that is respectful and appropriate. I commend the great work of all workers, including Reverend Graham Long, and volunteers involved in this much-needed community organisation.

### TRIBUTE TO DAVID ROSE

**Mr ADAM MARSHALL** (Northern Tablelands) [4.45 p.m.]: I draw the attention of the House to the sad passing of long-serving Gwydir shire councillor David Rose. Councillor Rose passed away at home surrounded by his family last Tuesday morning after a courageous battle with cancer. I had the great pleasure of knowing David through my local government career. He was always well read on issues and cared deeply about his community and the concerns of individuals. Councillor Rose served on the former Bingara Shire Council from 1999 and was elected mayor in 2002, 2003 and 2004. He served as the administrator of the newly formed Gwydir Shire Council and then continued his service as a councillor until the very end, being elected deputy mayor in 2008. Councillor Rose was held in high regard by his colleagues and the community and I extend my deepest sympathies and sincere condolences to his wife, Lyn, and daughters Rebecca, Georgie and Hannah. David Rose will be sorely missed.

### ST JOHNS PARK ANGLICAN CHURCH

**Mr NICK LALICH** (Cabramatta) [4.46 p.m.]: On Sunday 25 August 2013 I attended the official opening of the St Johns Park Anglican Church's new extensions and the celebratory service. The extensions were partly funded through the State Government's Community Building Partnership program and other funds were provided by the Federal government and private donors. The blessing and official opening were conducted by the Archdeacon of Liverpool, Ian Cox, who was assisted by a senior minister of the parish, Stuart Milne. The Federal member for Fowler, Mr Chris Hays, was also in attendance, along with some 200 parishioners and local residents. St Johns Park Anglican Church has a truly multicultural congregation, and services are held in English and Vietnamese.

### HORNSBY LIONS MEMBER BILL BRADLEY

### BEYONDBLUE FUNDRAISER GRAEME GATES

**Mr MATT KEAN** (Hornsby) [4.47 p.m.]: I commend the tireless dedication of Hornsby Lions Club member Bill Bradley, who has recently been awarded the Melvin Jones Fellowship for humanitarian work. Bill

has been a devoted member of the Lions Club and has been involved in countless humanitarian projects with the club over many years. Bill established the Junior Leos mentoring program for education projects in East Timor and has helped to raise funds for a much-needed mammography machine for Hornsby Kuring-Gai Hospital. I acknowledge Bill's fine work and thank him and his wife, Clover, for their ongoing commitment to our community. They are remarkable people to whom we all owe a great debt of gratitude.

I also acknowledge Graeme Gates of Berowra for his fantastic charitable feat of crossing the Simpson Desert for beyondblue. Graeme finished his walk of 80 hours across the Simpson Desert on 12 August this year, raising more than \$10,000 for beyondblue, an Australian not-for-profit organisation that is dedicated to raising awareness about mental health issues. He was supported by the people of his electorate, and ABC's *Bush Telegraph* regularly updated us about his journey. I congratulate Graeme. His feat is one to be admired, and it is most appropriate that I acknowledge it this week because it is Suicide Prevention Week.

#### **ILLAWARRA KITTYHAWKS BASKETBALL TEAM**

**Ms NOREEN HAY** (Wollongong) [4.48 p.m.]: I congratulate the Illawarra Kittyhawks women's basketball team on its outstanding achievements this season. The Kittyhawks claimed their maiden Waratah Basketball League championship. The team finished third in its regular season but went on to win three straight sudden-death games in the play-offs, winning in a nail-biting game against the previously undefeated Hornsby Spiders by eight points in the final. I congratulate Illawarra coach Cheryl Lowe on her well-deserved accolade as the Wollongong Basketball League Coach of the Year and her efforts in training such a talented group of young women to win the championship for the first time. I congratulate all the players, particularly Lisa Upps, who took home the most valuable player honours after the emotion-charged game against Hornsby. I also acknowledge the team's end-of-year award winners: Captain Lauren Sparks, Katherine Upps and Georgia Ohrdorf. The Kittyhawks' championship banner will be unveiled at their home court, the Snakepit, when the team plays a National Basketball League trial game against the Sydney Kings at the end of September.

#### **BENNETTS STEEL**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [4.49 p.m.]: I congratulate Bennetts Steel, which is one of the largest privately owned steel retailers on the mid North Coast of New South Wales. Founded by Gordon Bennett and Peta Simmons in June 1990, the company has now grown to employ 10 full-time local staff. At last week's Greater Port Macquarie Fuel 4 Business Awards, Bennetts Steel won the excellence in business ethics award and Peta Simmons won the business leader award for those aged over 36. I congratulate Peta Simmons and Bennetts Steel on their awards and for continuing to be an industry leader for the New South Wales mid North Coast.

#### **MULTICULTURALISM CONFERENCE**

**Mr GUY ZANGARI** (Fairfield) [4.49 p.m.]: The Multiculturalism and the Future of CALD Community Organisations Conference was held on Wednesday 12 June 2013 at Canley Vale. The conference was organised by the CALD Communities Coalition, which seeks to strengthen and promote the capacity of ethno-specific community organisations. Its aim is to be active advocates on issues affecting communities and organisations before government and service providers. The conference provided a platform for politicians, academics, community workers and culturally and linguistically diverse [CALD] community leaders to discuss the current situation and the future of culturally and linguistically diverse community organisations in New South Wales. I congratulate the organisers of the conference, in particular, comperes Mr Jose Vasquez and Mrs Carmen Lazar.

#### **COROWA AWARD RECIPIENTS**

**Mr GREG APLIN** (Albury) [4.50 p.m.]: I congratulate Corowa High School student Timothy Smith, whose outstanding efforts have been recognised with a Minister's award for excellence and student achievement. Timothy is school captain of Corowa High School and part of the school representative team in Australian Rules football. He is also captain of the Billabong Crows under-17 team. He was the recipient of the Corowa RSL bursary for academic excellence in 2012. Tim recently visited Parliament as part of a school leadership program and it was a pleasure to meet this exceptional young man who is such a great role model for his school and the community. I congratulate Louisa Provost of Corowa, who was awarded the 2013 State Therapist of the Year Victoria-Tasmania for her exceptional customer service at the Ella Bache store in Yarrawonga. At the glittering Ella Awards presentation in Sydney, she was recognised for her outstanding level of treatments and her dedication to her clients. Well done, Louisa.

### WORLD PISTOL SHOOTING CHAMPIONS DAVE OATES AND DEAN BRUS

**Mr ANDREW GEE** (Orange) [4.50 p.m.]: I draw the attention of the House to the progress of two Orange pistol shooters who will represent Australia at the world championships. Dave Oates and Dean Brus have just competed at the New South Wales Service Pistol and Unrestricted Service Pistol Championships held in Gulgong. The two Orange and District Pistol Club members shot their way to the podium. Dave took out the master grade service pistol title, the master grade state title and the WA 1500 pistol title. Dave has been shooting since he was six, when his father taught him to use and respect firearms. Dean took out the 25-metre service pistol and the WA 1500 revolver titles. Dave and Dean will travel to Canberra later this month and South Australia next month before heading to Perth for the Western Australian 1500 World Championships in November. I congratulate both these wonderful sportspeople from the Orange electorate.

### CALLIGRAPHY SOUTHSKRIBES EXHIBITION

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [4.51 p.m.]: Last weekend I attended the official opening of the Calligraphy Southsribes "Sutherland Shire; Our Suburbs, Our Heritage" exhibition at the Cronulla Central atrium, together with Sutherland Shire Councillor Tracy Cook. Calligraphy Southsribes is a non-profit organisation whose members include experienced and novice calligraphers with an interest in lettering arts. The group has been active within the shire for more than 20 years. Calligraphy Southsribes provides workshops on a regular basis to members and non-members to learn and practice their lettering. The new exhibition at Cronulla Central, which continues until 28 November, tells the story of each of the shire's suburbs in beautiful calligraphy artworks.

### STATE SWIMMER MATTHEW GALEA

**Mrs TANYA DAVIES** (Mulgoa) [4.52 p.m.]: I inform the New South Wales Parliament of an outstanding sportsman, 11-year-old Matthew Galea. The Penrith Anglican College student, who lives in Glenmore Park, has achieved tremendous success in this year's swimming competitions. At the summer State swimming championships this year, Matthew won silver in the 50-metre freestyle and bronze in the 200-metre freestyle. At the winter meet he won bronze in the 50-metre butterfly and the 100-metre backstroke and a silver in the 100-metre butterfly. Matthew has recently been selected for the New South Wales Junior Sharks development squad. The *Penrith Press* Tuesday 10 September 2013 edition nominated Matthew Galea for the *Penrith Press* Junior Sports Star award sponsored by Rebel. I am proud of Matthew's motivation, which is revealed in this quote:

I like competing and I like training to beat my own personal best times.

Matthew is now trying to qualify for the national championships next April. He has set his sights on the 2018 Commonwealth Games to be held on the Gold Coast. I acknowledge the dedication of Matthew's parents in their unfaltering support of his goals and dreams.

### MOUNT DRUITT ANGLICARE

**Mr RICHARD AMERY** (Mount Druitt) [4.53 p.m.]: I ask the House to recognise the role that Anglicare Mount Druitt plays in the Mount Druitt area and surrounds. In addition to the many services that Anglicare provides, this week an article by Kylie Stevens in the *St Marys-Mt Druitt Star* reports on a new community garden run by this organisation. Aims of the project include the promotion of sustainable living whilst at the same time providing an opportunity for various members of the community to come together in a relaxed atmosphere. I ask the House to note the comments of the coordinator, Hazel Crandles, and emergency relief coordinator, Janine Wall, advising members of the public of this community facility and asking them to make contact if they are available on Wednesdays and Fridays between 10.00 a.m. and 12.30 p.m. Childcare facilities are available. Well done to Anglicare for its continued efforts to support Mount Druitt residents.

### SHOALHAVEN INDIGENOUS GRADUATION CEREMONY

**Mr GARETH WARD** (Kiama) [4.54 p.m.]: On Monday 2 September I was pleased and proud to attend the 2013 Shoalhaven Indigenous Graduation Ceremony Dinner at the Bomaderry Bowling Club. I would like to acknowledge the master of ceremonies, Kathleen McGuire and Auntie Ruth Simms, who performed the welcome to country. The guest speaker was Kristy Lee Brown, Able Seaman from HMAS *Albatross*, who did an outstanding job on the evening. I congratulate the Indigenous students from Bomaderry High School—my

old high school—who this year graduated from year 12, including Kylie Byrnes, Danika Heron, Naomi Smith, Lain Beckett, Emily Grant, Blake Groves and Christopher Timbery. I also acknowledge the talented students from Bomaderry High School who participated in the dance performance, as well as all the Indigenous students who graduated on the night. These Indigenous students are leaders in our community and are a great example to many other people who are seeking to further their education. I commend those Indigenous students who graduated. They are a great example to our community.

#### **CUMBERLAND BUSINESS CHAMBER**

**Mr ANDREW ROHAN** (Smithfield) [4.55 p.m.]: I thank the Cumberland Business Chamber for its continued effort in helping small businesses flourish in Western Sydney, particularly in my electorate of Smithfield. At its 2013 annual general meeting on 12 August I was invited to meet with the local business owners and the chamber's newly elected committee. I thank the outgoing committee for its hard work over the past 12 months and congratulate the newly elected committee members and thank them for taking up a leadership role in the chamber. Ben Jackson was elected president while Maria Silvestri and John Miadeno were elected as vice presidents. Narelle Stoker continues to serve as the chamber's general manager for the upcoming year. I also thank and acknowledge my great friend the Minister for Fair Trading, Anthony Roberts, for taking time out of his busy schedule to be a guest speaker at the chamber's annual general meeting.

#### **STRATHFIELD ROTARY POLICE OFFICERS OF THE YEAR AWARDS**

**Mr CHARLES CASUSCELLI** (Strathfield) [4.56 p.m.]: I ask that this House notes the important contribution that Rotary makes in acknowledging local police officers in the performance of their duties on behalf of the community that they serve. I ask that this House congratulates Constable Philippa Lord of Burwood Local Area Command and Constable Daniel Warner of Flemington Local Area Command, who recently received the Strathfield Rotary 2013 Police Officers of the Year award at a presentation ceremony attended by Deputy Police Commissioner Nick Kaldas and Strathfield Rotary President Suzanne Freund. The House should note that all recipients of the award have been assessed as possessing or displaying outstanding acts of courtesy, kindness, understanding, compassion, courage and devotion to duty. I ask that this House also commends their colleagues at Burwood and Flemington local area commands who were nominated as finalists for the award and for assisting with community policing in the Strathfield electorate.

#### **MAITLAND FLOOD WALK APP**

#### **HUNTER VALLEY FOOTBALL ZONE VOLUNTEERS OF THE YEAR**

**Ms ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [4.57 p.m.]: I congratulate Hunter Central Rivers Catchment Management Authority for producing the smart phone app, Flood Walk, which chronicles the devastation of Maitland's 1955 flood event. Local flood historian Peter Bogan narrates the walk, which he has researched and led since 2009 with support from the catchment management authority. I have been on a couple of those walks. People can download the app and walk around the Maitland courthouse precinct, view historical photographs of the 1955 flood on their phones and listen to Peter describe what took place at the locations at which they are standing. I commend the catchment management authority and Peter Bogan for their efforts to raise public awareness about the potential impacts of flood events. I also congratulate Alex Threadgate and Alexandra Malam on being named the Hunter Valley Football Zone Volunteers of the Year for 2013. Alex and Alexandra have been recognised for the establishment of a club in Maitland that caters for players of all ages with a disability or special needs. The club is known as Maitland Football for All.

#### **WOLLONDILLY ANGLICAN COLLEGE ARENA**

**Mr JAI ROWELL** (Wollondilly) [4.58 p.m.]: I inform the House of the opening of the Wollondilly Anglican College Arena, better known as the WACA. It is the best sports oval I have seen. It was the vision of Dr Stuart Quarmby, who is the principal of the school, and his entire team. There were hundreds of people who turned up to the opening, including cheerleaders. There was music and all sorts of fun to be had. The guest speaker for the day was Terry Lamb, former Magpies and Bulldogs player. I was joined by the now member for Hume, Angus Taylor and the West Tigers to see the new Wollondilly Wildcats thump their opposition. I congratulate the college on such a fine presentation of the new oval and I look forward to continuing my support of such a fine school.



### ROSEVILLE PUBLIC SCHOOL BOOK LAUNCH

**Mr JONATHAN O'DEA** (Davidson) [4.59 p.m.]: I recognise the launch of *Wombatman and the Veggie Patch Vandals*. It was my great pleasure to attend this book launch at Roseville Public School, with Meredith Ash from the Department of Education and Communities. As I told the primary school students at the launch last week, Wombatman is an environmental superhero and clearly Australian as wombats are found only in Australia. Wombats have astounding abilities—when threatened they can reach speeds of up to 40 kilometres an hour. That is not quite as quick as Superman, who travels faster than a speeding bullet; but wombats can apparently travel 100 metres in about 10 seconds, which is as fast as an Olympic sprinter.

Wombats are considered to be quite intelligent. However being quite resilient, determined and strong they like to go through an obstacle rather than around it. I understand that same determination and tenacity was needed by Wombatman to track down the "veggie patch vandals". Certainly self-belief and determination are key to achieving goals. We need assistance from those around us. That mirrors the message of teamwork in the book where Wombatman needs the help of those around him to track down the culprits. Congratulations to author Mike Ferguson and illustrator Steph Ryan on creating a book with these positive messages, and to Roseville Public School for supporting these teachers in their journey to the publication of this book.

### WESTERN AREA ATHLETICS CARNIVAL

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [5.00 p.m.]: A number of students recently attended the Western Area Athletics Carnival in Dubbo. The students were from Lithgow. They will go on to represent their area later in the year. One of the stars of the carnival for the locals was Zane Harrington from Lithgow Public School. The under-10 sprinter triumphed over the field, taking first place in the 100 metres sprint. Schoolmate Maya Lynes-Ross showed her strength and stamina by qualifying in third place for the 800 metres. From Wallerawang Public School, qualifiers were Holly Beecroft and Dylan Miles. Holly finished second in the shot-put, an excellent effort after only having the plaster removed from her broken arm the day before. Dylan recorded a personal best to finish second in the 800 metres against a large field. Qualifiers from Cooerwull Public School were Isobelle Radburn and Ethan Corney. Ethan also starred, taking out first place when he out-jumped the field in the long jump. Issy had a big day, qualifying in both the 100- and 200-metre sprints with some great runs. Janaya Russell from Zig Zag Public School threw very well in the shot-put and qualified for the western team for the second time.

### LONDONDERRY BUSHFIRES

**Mr BART BASSETT** (Londonderry) [5.01 p.m.], by leave: I draw the attention of the House to the current bushfire situation threatening semirural communities across Western Sydney. Residents in my electorate were this week evacuated from the areas of Londonderry and Castlereagh. I acknowledge the role of the NSW Police Force, Fire and Rescue NSW, the NSW Rural Fire Service [RFS] and the NSW State Emergency Service for the work they did this week and are continuing to do in those communities to help protect people and property from the devastation of bushfires. I thank the two Rural Fire Service regional zones of Cumberland and Hawkesbury, van leaders and the volunteer firefighters—who gave up their time freely to help others—as well as the organisations in our local community who brought food to residents on the side of the road. I thank all the people involved in assisting residents during those bushfires, which are still burning in the Western Sydney area.

**The DEPUTY-SPEAKER (Mr Thomas George)**: I am sure that every member of this House shares those sentiments.

**Community recognition statements concluded.**

### PRIVATE MEMBERS' STATEMENTS

#### *EL SOLDADO GAETE* BOOK LAUNCH

**Mr PAUL LYNCH** (Liverpool) [5.02 p.m.]: I draw to the attention of the House the launch of a book that is of considerable interest to a number of my constituents, especially those originally from Chile or other parts of Latin America. The book is written by Omar Iturrieta Leon and is called *El Soldado Gaete*. It was launched on Thursday 25 July at the Colo Colo Club in Fairfield, a venue which is well known within the Chilean community. I am pleased to say that Omar invited me to write a preface for his book, which I was

delighted to do. Omar is one of the many people in my part of Sydney from Latin America who have made their home in this country. People such as Omar have greatly added to our cultural diversity. They have made a positive addition to our region. They came with their skills and used their skills to the benefit of not only themselves but also the entire community. In Omar's case he brought his skills as a writer. For many years he used these skills as a journalist, but he now uses them as a novelist. On the night of the book launch his skills as a journalist were on display when some of his documentaries were screened, including ones on Cuba and South Africa. Omar brought with him not only his skills but also his personal experiences and political philosophies.

Omar was one of the many who left Chile after Pinochet's brutal fascist coup. There were many in the labour movement in Australia who were sympathetic to Omar and those like him. I note in passing that yesterday was the fortieth anniversary of that coup, and indeed there were commemorations in this building to mark that. People of the Left in my generation were transfixed by events in Chile and other Latin American countries. September 11 in 1973 raised fundamental issues about a democratic change to a fairer society—something that just would not be tolerated by the Chilean rich and their military, and thus American, backers. Could there be a democratic transition to a fairer society or would the will of elected governments be thwarted by the rich and powerful? This book tells the story of soldier David Gaete in Chile in 1972. He was then 18 years of age. The son of a worker, he was a student leader and a militant of one of the parties in the Unidad Popular Government of Salvador Allende. The Government had been elected in 1970 and was moved by the fascist coup in 1973.

The protagonist in this novel had to do his obligatory military service. He saw himself as part of the continent's, indeed the world's, efforts of the time to make changes for a better life. As Omar writes, there were winds of radical change blowing through the world. Omar concedes that it is wrong to speak of a generic homogeneity of Chilean youth. There are thus in the book two other young characters: Ismael Leiva, the son of a successful farmer, and Mauricio Jara from a military family. Another friend from his childhood who appears turns out to be a leader of the nationalistic movement Motherland and Freedom. There is also an older and more politically sympathetic major. Omar makes the point in the introduction to his book that there is perhaps not enough written about this horrifying period of Chilean history. As he puts it, "People who suffer hunger often do not write about it." That is not good for a country—not talking about hard times does not allow a country to go forward. As Omar puts it, in what I think is a Chilean expression, he does not support those coming later being struck by the same stones as struck their parents and grandparents. I was delighted to be able to attend the book launch and to provide a preface to Omar's book. I congratulate him on this very fine achievement.

### **CURRARONG LAND REZONING**

**Mrs SHELLEY HANCOCK** (South Coast—The Speaker) [5.05 p.m.]: Today I will discuss the long-awaited Shoalhaven local environmental plan [LEP] and in particular how it might impact on the beautiful coastal village of Currarong in my electorate. During deliberations on the Shoalhaven local environmental plan, it became apparent that a parcel of land between Kinghorn Road and Currarong Road, which provides a buffer to the village itself and is an area of special environmental significance, is possibly facing a residential zoning to add up to 30 homes in an already small and tightly constrained village. In a larger town, 20 to 30 homes may be insignificant; in Currarong the effect of a residential zoning in the proposed location would be catastrophic. Currarong is home to around 450 residents, with 40 houses currently for sale—clearly there is no shortage of housing in the village.

The particular strip of land is Crown land, owned therefore by the New South Wales State Government. During deliberations in the term of the last council, it was implied by staff in their recommendations to councillors that the State wished to retain a residential zoning—most probably for the reasons of economic return. I sensed after meetings with senior ministerial staff that this may not necessarily be the case. I was contacted earlier this year by the Currarong Progress Association and was asked to visit the village to walk through the parcel of land in question and to understand the effects of a residential zoning on the area. The area in question is a buffer to the village, contains beautiful tall trees and is home to a wonderful array of flora and fauna. It is enjoyed by residents as an area for walking and generally enjoying the environmental attributes of the land.

I agreed to meet with Peter Cumes and representatives of the Progress Association on a Saturday morning in April. Whilst I was expecting three or four attendees, the whole village was waiting to discuss their concerns with me and explain their fears of a residential zoning. The residents had also met with Joanna Gash, Mayor of the Shoalhaven City Council, who has also expressed her deep concerns about the proposed residential zoning and who understood the concerns of residents. I also spoke with other councillors in an attempt to ensure

that in the final deliberations on the Shoalhaven local environmental plan they would unanimously reject any notion of a residential zoning over this land. Thankfully, the council has endorsed an E2 zoning on the land; and I call on the State Government and in particular the Department of Planning and Infrastructure to accede to the community's wishes and determine that the land be retained as an environmental zone so as to protect the area in question and to protect the village of Currarong from overdevelopment.

I have spoken to relevant staff within the Government to convey strongly the wishes of the community and believe that at this stage they understand the issues and, more importantly, the concerns of the community. I recently tabled a petition in Parliament on this subject and have received numerous letters from residents, all of whom have expressed their very strong views on the subject. Some of the residents' comments are as follows:

Currarong is a small coastal village within the Jervis Bay region and is highly valued for its unique scenic amenity, lifestyle for residents and natural resources and should be left untouched for visitors and tourists to continue to enjoy.

The land (in question) already provides an important need as it supports the biodiversity of Jervis Bay National Park, Beecroft Peninsula Reserve and Jervis Bay Marine Park as a connected landscape ... it is a wildlife corridor.

This resident goes on to state that over the past 50 years she has observed a rich diversity of fauna and flora in the area provided by this special habitat. All the correspondence I have received conveys the overwhelming desire of the residents for the land to be zoned E2 and protected into the future. I will be meeting with the Minister for Planning and Infrastructure to present the case for Currarong, a village which is unanimous in its desire to retain its unique and special character and its special beauty—and in particular the protection of land behind Kinghorn Road. I thank in particular Peter Cumes who, as the President of the Currarong Progress Association, continues to be a balanced advocate for his community on this and myriad other issues. I also thank the residents who met with me that morning and presented such a unanimous position regarding the land in question.

Many visitors to the area and those who own holiday homes there also joined the throng of about 200 or 300 people that morning. They have written so many letters to me about this matter that I believe we can present a strong case to the Department of Planning and Infrastructure to ensure that this zoning is retained as E2. I also thank Shoalhaven City Council. I believe the council received some misleading advice on this matter, but it has been resolute in its desire to ensure that this fairly small strip of land is retained as E2 and is not rezoned as residential, R2. In my view that would destroy the unique character of the beautiful fishing village of Currarong.

### UNIVERSITY OF NEW ENGLAND

**Mr ADAM MARSHALL** (Northern Tablelands) [5.10 p.m.]: I bring to the attention of the House the huge success experienced of late by the University of New England. The university is not one of the sandstone universities but, under very strategic and strong leadership, the university continues to grow and go from strength to strength. The University of New England has more than 20,000 students, including more than 1,200 international students, a staff of more than 1,260 and an academic staff of 512. Under the great leadership of Professor Jim Barber, the vice-chancellor, ably assisted by the deputy vice-chancellor, Annabelle Duncan, and with a great university council led by a former member of this place, the Hon. John Watkins, and the deputy chancellor, Dr Geoff Fox, the university is achieving great things.

Currently, aside from growing its student numbers and its presence in its Western Sydney campus at Parramatta, the university is undertaking a large college redevelopment project, on which the chancellor and the vice-chancellor turned the first sod recently. It is one of the few universities in this State that is growing not only in student numbers but also in its revenue of more than \$600 million and in its infrastructure program. I highlight the fantastic achievements of the university's research area. Coupled with its exceptional research expertise and facilities, the scale of the university's research and development capacity—particularly in animal science and livestock production—is absolutely world class. The University of New England also works very closely with industry to maximise the benefits of its research. The sharing of genetic information with industry partners provides for the rapid adoption of new research information as soon as it becomes available.

I particularly mention the poultry area. The university is home to the Poultry Cooperative Research Centre [CRC] led by Professor Mingan Choct, who is doing a great job. The university has established the world's largest closed-circuit calorimetric centre, which is attracting global research interest. The University of New England has also commercialised a vaccine against fowl cholera, called Vaxsafe PM, and it is on the verge of commercialising two further vaccines. The university currently has more than 30 research projects in poultry

health and welfare, nutrition and environment, food safety and egg quality. In undertaking this research the university recognises that the poultry industry is the least carbon-intensive livestock industry and that Australia's food security will demand a sustainable poultry industry into the future. As I said, the research being undertaken at the University of New England is world class and it is contributing to efficiencies and greater productivity in our agricultural sector.

The Sheep Cooperative Research Centre is also doing great things under the leadership of Professor James Rowe. Dr Rob Banks, Dr Matt McDonagh and Richard Apps, who is the sheep research and development project manager at Meat and Livestock Australia, are doing great work collaboratively in the research area of animal science, and research and development. In the last month the University of New England was again recognised with a five-star rating from the *Good Universities Guide*. Graduates also awarded the University of New England academic staff five stars for their teaching skills. These top ratings appear in the *Good Universities Guide 2014*, which was released nationally on 26 August 2013. Those results are to be commended; they are a credit to the staff's tireless work to uphold the university's strong standing in the community, throughout Australia and internationally.

The students have consistently expressed their overall satisfaction by giving the university the highest possible rating. It is an outstanding result and it places the University of New England among the top Australian universities for student experience. Despite unfailingly high ratings in this category, the university always strives to do better and these recent results are especially pleasing, given the high number of external students attending the university. I cannot speak highly enough of the work that is being done by Jim Barber and his team at the University of New England. They make an enormous contribution not just to the Armidale economy but also to the economy of the whole region. It is important research and development for the agricultural sector that brings benefits across Australia and internationally. The university has a special part to play in our region and the community should be very pleased and proud to have it.

### FEDERAL ELECTION 2013

**Mr JAI ROWELL** (Wollondilly) [5.15 p.m.]: This afternoon I congratulate Russell Matheson, MP, the member for Macarthur, and Angus Taylor, the member-elect for Hume, on a well-deserved and hard-fought election win over the weekend. While the two gentlemen I have just mentioned were recently elected to the Federal Parliament of this country, it is pertinent for me to speak of them in this place because it is important for members of this House to work closely and effectively with their Federal counterparts. It was a resounding victory for the Tony Abbott-led Coalition team on Saturday, but it is the calibre of the two local members in the seats that cover my electorate of Wollondilly that truly fills me with confidence. Not only will the people of Wollondilly and the surrounding towns, suburbs and villages benefit from strong local representation at a Federal level, but also they will benefit from the multimillion-dollar funding commitments that were contingent upon the election of these members and a Coalition government. I am very excited that I will be able to work with both those fine men in delivering on some of those election commitments.

Russell Matheson was returned to his seat of Macarthur, increasing his margin to 11.5 per cent with the biggest swing in New South Wales. Pre-poll votes are still being counted but currently there is a swing of 8.5 per cent towards the Liberals on a two-party preferred basis. That is a wonderful result and it is testament to the hard work that Russell has done over the past three years under a difficult and unstable Labor-led minority government. Throughout the past three years Russell identified a number of key concerns and suggestions raised by members of the community about how to improve the great area of Macarthur. Russ brought these to the attention of the party and worked tirelessly to secure the necessary funding. Only last week Russell was joined by shadow Treasurer—and now Treasurer—Joe Hockey to announce \$53 million in Federal funding to complete the widening of Narellan Road to ease congestion along a main arterial linking the electorates of Wollondilly, Camden and Campbelltown. I know that the member for Camden and the member for Campbelltown are also very excited about the announcement.

This funding will complete the remaining four stages of a five-stage project—a project that began with a pledge that Russell made in 2010, and which was delivered by the New South Wales Government to the tune of \$15.4 million to kickstart the project. I was happy to work closely with all the local members involved in this project. A further \$200,000 in funding was allocated to renovate and upgrade the Narellan Jets football field in Narellan, which sits firmly in the seat of Camden held by my good friend Chris Patterson; \$350,000 was allocated to make the Macarthur region safer by installing more fixed and portable closed-circuit television units; \$335,000 was secured to upgrade the Mater Dei heated swimming pool to help disabled children swim and receive physio and occupational therapy in heated water; and \$500,000 was secured to help upgrade

Lynwood Park, which also falls within the Wollondilly electorate, and to build a world-standard synthetic soccer field to make Macarthur an internationally recognised location among the football fraternity. It was great to be with Russell Matheson and Malcolm Turnbull to announce the delivery of funding from this Government to kickstart the project last year.

These funding commitments were secured by a true champion of Macarthur—a man who puts his all into the place he represents in our nation's capital. It is my firm belief that the people of Macarthur could not have elected a better person to represent them. The swing he achieved and the significant funding he was able to secure is testament that Russell is not only a man dedicated to his community but also a capable and effective member of Parliament who is touch with his community. The other gentleman I wish to congratulate is Angus Taylor, the soon-to-be member for Hume. Angus is an exceptionally intelligent individual who I know has a bright future in an Abbott-led government. Angus comes from a well-respected family and his election to this seat fills the very large shoes left by retiring Liberal member of Parliament Alby Schultz. Angus fought long and hard to earn the right to represent the people of Hume and that was reflected on election day. Angus also received a great swing, and his margin is 11.5 per cent. Many of the big swings in the election were in the Wollondilly end of his electorate. I have had many discussions with Angus over the past two years and I can testify to his commitment to our area. Much of electorate of Wollondilly sits in the Federal electorate of Hume and I am comforted by the fact that the constituents we share will be represented well in Canberra.

Angus was able to secure a number of funding commitments spanning his large electorate of approximately 33,000 square kilometres. One of those commitments is \$200,000 to go towards lighting at the Picton sports oval. There was a strong need for new sporting facilities for our growing community. After several meetings with all levels of government, including the Mayor of Wollondilly, Col Mitchell, Angus was able to secure a funding commitment for the people of Wollondilly and Hume to ensure that the oval will be operational at night. Once again, the State Government chipped in money at the start and it was good to work with great people to ensure the project is finished. I have confidence in the Prime Minister-elect, the Hon. Tony Abbott, and the two local members Russ and Angus—or Gus, as he is better known. I also have confidence in the Premier of New South Wales and his great Government. I know that the people of Wollondilly will prosper over the next three and four years.

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [5.20 p.m.]: I commend the good member for Wollondilly for mentioning the success of Russell Matheson, who was re-elected as the member for Macarthur, and Angus Taylor, who is the newly elected member for Hume. I commend all the New South Wales Coalition members who have been elected to support the Tony Abbott Federal Government. I inform the House that Martin Zaiter appears to have edged slightly ahead in the ballot for the seat of Parramatta. We look forward to seeing him in Federal Parliament as the member for Parramatta in the near future. I congratulate all members of the new Coalition Government. I also congratulate Tony Abbott on becoming the Prime Minister of Australia.

### WOLLONGONG PUBLIC HOUSING

**Ms NOREEN HAY** (Wollongong) [5.21 p.m.]: I place on record my disgust that hundreds of public housing tenants in my electorate of Wollongong will be facing huge rent increases as part of some sort of strategy to force them into the private rental market. This outrageous notion could only be the work of the Coalition Government. I have to say it was no surprise to read an article in yesterday's *Illawarra Mercury* that stated that 350 letters would be sent to residents in my electorate—not to mention thousands more across the State—informing them of rental increases of up to \$150 because they apparently are "higher-earning" tenants or had managed to improve their lot somewhat.

The message from the Minister for Family and Community Services and Housing NSW is clear: Do not seek to improve your lot in life or that of your family unless you want to be pressured out of public housing and into the private sector. The fact that Housing NSW is telling tenants who have managed to increase their income through hard work that they have to either accept a massive \$150 rent rise or get out is a disgrace. Not long ago the Government told public housing tenants that a spare bedroom would cost them an extra \$20 per week. And if they did not like it they could get out or, worse yet, they would be moved anyway. Some of those tenants had been in their properties for 20 years or more and had raised families there. To them it is not a Housing NSW property; it is their home.

The Government is obviously revenue raising. To make matters worse, it is taking money from those who can least afford it in our community. But the real issue is inadequate funding for Housing NSW, along

with a lack of housing stock. The waiting times for public housing would be improved in the Wollongong area if empty properties were utilised, outstanding maintenance was undertaken and Housing NSW stopped selling off housing stock or at least replenished it. The New South Wales Auditor-General stated in his recent report entitled, "Making the best use of public housing", that New South Wales lacks an integrated plan to address the underlying systemic and structural issues to ensure sufficient supply and a viable social housing system.

I am yet to hear about the Government's promised social housing strategy and yet to see any action to address this issue other than the Premier moving the Land and Housing Corporation back into the portfolio of Family and Community Services from the portfolio of Finance and Services—big deal. The Auditor-General's report went so far as to say that the shortfall between supply and demand was increasing; public housing stock is ageing and increasingly not fit for the purpose; insufficient funding is available for necessary maintenance; and houses are being sold to meet recurrent funding shortfalls. Any increase in revenue to NSW Housing should be used to increase the number of properties in order to reduce the waiting lists.

The comments attributed to Housing NSW ignore the lack of availability of rental accommodation across the Illawarra region. The Minister and Housing NSW need to lift their game and take responsibility for keeping their own house in order. While I understand the move to provide more welfare housing, the fact is that people who have been in social housing for some time and who may have raised their families there are not in a position to move to the private sector. They cannot afford to move and so they are hit with a \$20 per bedroom rent increase. On top of that, anyone who may have been unemployed and doing it tough but who suddenly gets a job is not encouraged to stay in employment. Instead of being encouraged, they are given the disincentive of a \$150 week rent increase because they have improved their lot.

That encourages people in social housing not to bother trying to improve their situation because they will be forced into the private rental market if they do. If any member comes to Wollongong to look at the availability of private rental accommodation they will find that it is almost non-existent and that rental properties in the central business district are extremely expensive. Social housing was recently sold off at Mount Kembla, which is considered to be an upmarket area, and the housing stock was not replaced. That is adding to the problem of long waiting lists for social housing. We must not blame the tenants for the Government's inability to run its own race properly.

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [5.26 p.m.]: I will correct the record following the comments by the member for Wollongong. The good Minister for Family and Community Services and the New South Wales Government make no apologies for attempting to reform the public housing sector and to provide public housing to the people who need it most. Many thousands of people are not able to live in a home because of the abysmal treatment they suffered at the hands of the former Labor Government. We make no apologies for reforming the system to ensure that we do our best to provide public housing for the people who need it most.

**Ms Noreen Hay:** Point of order—

**Mr RAY WILLIAMS:** The member is not entitled to take a point of order.

**Ms Noreen Hay:** You are not the Acting-Speaker.

**ACTING-SPEAKER (Mr Lee Evans):** Order! There is no point of order. I call the member for Orange.

#### **CENTRAL WEST GROUP 10 RUGBY LEAGUE GRAND FINAL**

**Mr ANDREW GEE** (Orange) [5.27 p.m.]: Orange has a proud history of sporting achievements. At the weekend that heritage was on full display when two local rugby league titans met at Wade Park to contest the group 10 grand final. The match between Orange CYMS and the Orange Hawks was the first all-Orange group 10 premier league grand final played since records began in the 1960s. It was a titanic sporting struggle, with CYMS taking the match 22 points to 14 to secure their first local derby win of the year and their third Western Challenge Cup in four seasons. This huge sporting event in Orange attracted more than 5,000 fans, which is one of the biggest crowds in the history of the competition. It was standing room only. The fabulous Orange weather contributed to the high crowd numbers as families travelled from across the west to witness the history-making match.

The crowd was awash with green and gold in support of CYMS and blue in support of the Orange Hawks. CYMS led 16 points to four at the break. Six minutes after half-time their lead was extended to 22 points, thanks to a converted Sam Hill try. The hopes of the Hawks rested on the shoulders of Justin Howarth, as he scored two tries. Joe Lasagavibau also scored. With 20 minutes left on the clock, CYMS captain and coach Mick Sullivan left the field injured. Then Sam Hill put a stop to a try on the goal line in the seventy-first minute. The highlights kept on coming throughout the game. The win is the CYMS' third premier league title since 2010, and it has gone down in the history books. The last club to win three grand finals in four years was the Lithgow Shamrocks in the 1980s.

Five-eighth Ben McAlpine was awarded the Dave Scott Medal for his efforts; he scored three goals during the match. I congratulate all the CYMS players and their team mates, which include front rowers Des Knight and Romaric Bemba, hooker Sam Hill, second rowers Riley Law and Brett Sargent, lock forward Kyran Bubb, five-eighth Ben McAlpine, halfback and captain-coach Mick Sullivan, centres Dom Maley and Cody Robbins, wingers Ali Beale and Epa Navale, and fullback Tim Bassman. On the interchange bench were Matt Penny, Brent Colley, Semisi Katoa, Cam Jones, Tom Satterthwaite, Harry Muller and Scott Piper. I recognise the valuable contribution made by the CYMS club management: Club President Ray Agland, Senior Vice-President Dave Penny, Treasurer Fleur Verdenega and Secretary Brie Gleeson. They will be talking about this win at Kelly's Rugby Hotel for years to come.

I also acknowledge the efforts of the Orange Hawks. They were valiant in defeat. They showed grit, heart and a true fighting spirit. The Orange Hawks players certainly did their club proud. I particularly mention the President, John Hill, Secretary Hayley Sturgeon, Treasurer Tanielle Hill and the Orange Hawks Captain-Coach, the legendary Tim Mortimer. This was a huge day for Orange and the supporters of both teams. I congratulate all the supporters on getting out to support their clubs. It was a huge but well-behaved crowd. Everyone can be proud of the way both clubs played and the amount of support each team received. As I said, the Hawks did not win, but they put up a valiant fight. However CYMS were worthy winners at the end of the day. Again I congratulate everyone associated with Orange CYMS. This was a much-anticipated grand final and it will go down in the history of Orange sporting events. Congratulations to everyone who played a role in this wonderful sporting event in the great city of Orange.

### **R U OK? DAY**

**Mr CHRIS SPENCE** (The Entrance) [5.32 p.m.]: Today members of Parliament are wearing badges for R U OK? Day, a national day that encourages people to regularly and meaningfully ask, "Are you okay?" to support people struggling in life and raise awareness of suicide prevention and mental health. R U OK? Day recognises that simply reaching out, asking a question and offering support can make a huge difference in someone's life. It does not take any special expertise to offer support to someone going through difficult times, but having access to expertise and information can be invaluable if someone is not sure what to do or how to access support services. Early last month I attended the opening of the Hub at Bateau Bay, which is a drop-in information centre with a focus on mental health and wellbeing, and provides access to mental health education, information, support services and referrals, and also includes a sensory room and a meditation garden.

It is offered by Central Coast ARAFMI and is available for any community members seeking assistance and advice. It is also available for any local community services that focus on mental health and wellbeing to attend or run training activities or support groups. The Hub has qualified staff and volunteers on hand to help people find what information and resources they need or even just to have a chat. Anyone can experience mental health issues that may last for a few days to a few months, or may extend over longer periods of time, perhaps even a lifetime. Research shows that approximately one in every five Australians will be affected by mental illness in any one year. Causes can include genetic predisposition, traumatic events, drug and alcohol abuse, biological and chemical disturbances in the brain, unresolved psychological issues, and social issues such as poverty, homelessness, bullying or unemployment.

At some stage of our lives I think we all experience some kind of mental distress, and while for many it may be short lasting with the help and support of loved ones, there are certainly many people who struggle to know where to turn. Sometimes it is members of the family or friends who do not know the best way to help their loved one who is experiencing mental distress, particularly if they are dealing with violence, illicit drug use, complex symptoms and behavioural problems or serious threats of self-harm. In recent years efforts have been made to raise more awareness of mental illness and distress. However, many still feel that mental health is taboo and fear that seeking help will make them appear weak, vulnerable or unable to cope, and that they will be judged in society because of a diagnosis.

The Hub provides an open and judgement free access point. It takes away the anxiety of taking the first step and provides a welcoming environment that is free of judgement and discrimination, where addressing a mental health concern is not considered taboo. Through the Hub, members of the community who are concerned about mental health issues can walk through a single door and receive a range of resources and information, and have a talk to someone knowledgeable and understanding about their concerns to get some helpful advice and direction. Sometimes people just do not know where to start to find help, but with ARAFMI's hub initiative they will only need to take one step to find all the information to support them and access the services they need.

Central Coast ARAFMI also provides a range of other services on the Central Coast. It is a community-based organisation run by a team of professional and highly trained workers that offers free, flexible and family friendly support services. Some of those services include the Family Support Program, which is available for families, friends, neighbours, work colleagues or anybody who knows or cares for someone with mental health issues, which provides telephone support, appointments with support workers, education programs, information, advocacy, referrals and home visits. Another service is child and adolescent support—or Young ARAFMI—for children up to the age of 18 years who have someone close to them experiencing mental health issues. ARAFMI runs the Yakkalla Cottage. Yakkalla aims to provide opportunities to help people in their recovery process, offering hope and support in developing social and interpersonal skills, and reducing loneliness, isolation, fear and anxiety. It also provides respite for carers.

Yakkalla runs activities like art and craft outings, barbeques, yoga and relaxation, sport activities and brunch clubs. Central Coast ARAFMI does a great job on the Central Coast in reaching out to those who are going through a tough time and need practical support. I commend its dedication and commitment. I thank Rhonda Wilson, the Manager of Central Coast ARAFMI, for extending the invitation to me to attend the opening of the Hub. I congratulate ARAFMI on its great initiative in listening and responding to the needs of our local community.

### **SUSTAINABLE FOOD PRODUCTION**

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [5.37 p.m.]: As a representative of an area that provides vegetables and agricultural produce from the various farms spread across the Hawkesbury, I understand that growing sustainable food in the future is one of the world's great challenges. I therefore take this opportunity to advise the House of a wonderful facility located on the University of Sydney grounds in Cobbity. Only two weeks ago I had the pleasure of attending its launch on behalf of the Government in my capacity as Parliamentary Secretary for Western Sydney. A world-first horticultural system that grows herbs and breeds barramundi simultaneously in Western Sydney is now supplying fresh herbs and fish produce for Coles stores across New South Wales. Seven years after winning their episode on the ABC Inventors Program, Andrew Bodlovich and Hogan Gleeson's landmark aquaculture concept—to breed barramundi and grow organic herbs with zero effluent—has become a commercial reality.

Located on a small block of land at Cobbity in Western Sydney owned by the University of Sydney, the company, Urban Ecological Systems Australia [UESA] has established a state-of-the-art glasshouse where beds of herbs are linked by a complex system of pipes to water tanks containing barramundi underneath. As the barramundi grow, their waste is biologically transformed into safe plant nutrients or fertilizer and then used to feed parsley, basil and coriander. The small amount of water that is required to operate the facility is captured from rainfall and retained on the site; the only way any water leaves this site is through evaporation from the plants. This unique and patented system is the first of its size and scale in the world, and is forecast to produce more than 10 times more organically certifiable food than traditional field horticulture. In simple terms, the days of growing food such as vegetables and herbs in the traditional manner of planting seeds in the soil are quickly ending and are being replaced by innovative sustainable and organic facilities such as this business in Cobbity.

The by-product or effluent produced by the barramundi has amazing fertilizer qualities and has a multiplier effect of 10 to one. If \$1 million worth of barramundi is produced, potentially \$10 million of parsley, basil and coriander can also be produced through this technology. This is an incredible Australian story and an even greater story of a visionary business concept that has now become reality in Western Sydney that is producing sustainable food. The sustainable nature of the facility, which uses rainwater, sunlight and the by-product from barramundi as fertilizer, means this concept potentially can be implemented anywhere in the world. While the production of food is substantial, the footprint of the facility is very small. The size of the glasshouse, its barramundi tanks and water storage facilities, and all the technology potentially could be installed in the middle of Martin Place—or alternatively the Simpson Desert—and still produce the same amount of fresh fish and agriculture.



The entire facility is automated with unique sustainable technology that won the *New Inventors* award seven years ago. Through this advanced technology, only one person plants 130,000 basil, parsley and coriander seedlings each month, which significantly and innovatively reduces labour costs. The planting table, which occupies the entire glasshouse, is fully automated and slowly moves across the entire length of the facility where three or four people pick and pack the fully grown produce a few weeks later. The produce is packed immediately when picked, and is then sent by refrigerated trucks to each Coles store. It does not get any fresher than that. The produce is picked one day and sold on the shelves the next. The entire process continues 24/7, 365 days each year, producing high quality fresh food and, importantly, without using any pesticides or herbicides.

This is the first time in Australia that herbs and barramundi are being produced together in a sustainable and commercially viable operation that will soon be certified organic, as the process marries biology and technology to replicate what occurs naturally in nature. To build the glasshouse and technology, Urban Ecological Systems Australia has invested more than \$5 million, with \$1.9 million coming as an incentive from the Federal Government. By October, when the system is at optimum production, the company will be producing 129,000 plants every 28 days and the equivalent of 15,000 to 20,000 kilograms of barramundi a year. The system was designed for use in areas where farmland is at a premium, such as the urban and suburban environments where 75 per cent of the world's population resides.

As part of the Urban Ecological Systems Australia lease arrangement with the University of Sydney, the company has a research agreement that allows academic research to be undertaken at the site. Already students involved in agricultural studies are benefitting from observing and studying this unique Australian invention, which is revolutionising sustainable food production. I take this opportunity to credit Coles for supporting this new venture through a five-year contract. I believe this is where we as a Government should encourage further investment in New South Wales—through support to our local businesses and their ideas like Urban Ecological Systems. Through the support of Coles, eventually this business will be able to set up right across this country and eventually abroad, feeding the population with fresh fish and agriculture through this great sustainable Aussie invention.

#### FEDERAL MEMBER FOR REID

**Mr CHARLES CASUSCELLI** (Strathfield) [5.42 p.m.]: I bring to the notice of this House an exceptional effort by the Liberal candidate for Reid in campaigning to become the Federal representative of the Reid community. Reid is exceptionally blessed through its diversity and is home to people whose origins span our entire globe. I must admit that at 1.23 a.m. last Sunday I was experiencing a sense of relief that Mr Abbott had become our nation's twenty-eighth Prime Minister, but mostly I was experiencing some disappointment that my friend, Craig Laundry, had not produced a result on election night. It may be presumptuous, it may even indicate misguided hubris on a grand scale, but I like to think that it would have been a natural result, having experienced the Craig Laundry approach to the campaign challenge.

Over a period of 18 months Craig has set what I believe to be a new benchmark in the world of political campaigning. Many will aspire to it, but many will fail. The last day of the campaign was exactly like the first day of the campaign—full of hope, energy and excitement. In fact, every day was just like the first. Of course, his campaign was well funded and he also found the means to help others, but that is not the reason that convinced me that he would or should win handsomely; nor was it his success in having Tony Abbott, Joe Hockey, Scott Morrison, Philip Ruddock and other members of the Coalition team visiting Reid, and not once but a number of times. Rather it was his single-minded determination to meet as many people as he could, to genuinely listen to them, to reach out and engage with multicultural communities and to doorknock areas that had not seen a politician in decades.

Most importantly for an aspiring politician, he made the Reid community his priority, with his young family coming a close second for the entire period of the campaign. There is no exaggeration in the claim that he and his team doorknocked more than 60,000 homes. I was with him for many days, watching him in action. There was little time for chatting among members of the team: We were focused on the constituents. It seemed that the countless numbers of street stalls at railway stations, in parks, commercial centres and at community centres tested the resolve of the loyal volunteers. Over a period of 18 months, such was the inspiration of Craig's commitment to his community that on election day he had almost 700 volunteers working at Reid polling booths. Reid had never seen the likes of the blue army. With the exception of the Hon. Philip Ruddock, I have rarely observed the kind of affection that Craig received from many multicultural communities, especially the Arabic and Asian communities, in such a relatively short time.

I remember visiting shops near the Flemington railway station on the day before the election. He easily engaged with shoppers and business owners alike. He answered their questions quickly and made friends equally quickly. He was a natural in those environments. It did not matter if it was a butcher's shop, a fruit shop, a fish shop, a cafe or a restaurant. It did not matter that the shops were run by Koreans, Chinese, Indians or Vietnamese. They were family businesses and he understands business. I have lost count of the many community functions at which I crossed paths with Craig, but I do remember the unsolicited comments made to me about Craig's performance on those occasions. The comment made most often about Craig was that it was "always a pleasure to listen to someone who speaks from the heart". Hundreds, if not thousands, of people told me how pleased they were that a successful young family man, someone who enjoys a good laugh and who has an easy-going disposition, who understands the pressures on families and who is approachable, had decided to put himself forward to become their representative. I listened to what people were telling me in their doorways as we doorknocked in Auburn, Lidcombe, Strathfield, Concord, Homebush, Russell Lea and many other areas.

In the end, Craig won the Federal electorate of Reid with a 3.5 per cent swing to the Liberals. That is not a bad effort for an electorate that has been a Labor stronghold since its creation. Craig was very active in bringing concerns of local small businesses and the perennial issue of traffic congestion to Tony Abbott's ears. We both celebrated the announcement by the Federal Liberal Coalition to commit \$1.5 billion for the construction of the WestConnex. Craig and I are of like mind on many issues including planning, transport, traffic, roads and small business. We both believe that collaboration between the three levels of government is key to providing optimal outcomes for our communities. Being a sports lover, I anticipate that sport will be high on Craig's agenda. He helped to secure \$500,000 for the Concord Soccer Club and Briars Sports Club. Education is also high on Craig's list of priorities, having secured \$1.5 million for the Auburn North Public School.

The new Federal member-elect for Reid and I already have met over a few coffees to discuss strategy, now that the Strathfield electorate has a Liberal State parliamentarian working very closely with its Liberal Federal parliamentarian-elect. The Reid electorate now has a person of exceptional talent to represent it. His empathy and knowledge of the local issues will result in his becoming their champion. I cannot help but feel that Craig is beginning a distinguished career in politics. As much as he hates being called a politician, I think he is a natural. He was a high-calibre candidate. He is now an asset to the Tony Abbott team. I very much look forward to working with Craig to further the interests of our community. I acknowledge the service of the former member, the Hon. John Murphy, to the people of Reid. I wish him and his family well in his future endeavours.

### AUSTRALIAN ELECTORAL SYSTEM

**Mr CLAYTON BARR** (Cessnock) [5.47 p.m.]: I wish to discuss democratic political reform. Members will not often hear me discuss that issue in this House because I think our system is pretty good, unless of course we can get some honesty in The Nationals party labelling, The Nationals being the political party that deserted regional New South Wales. The recent Federal election has got me thinking about the way we vote in this country and the effects for our State. Australia has a proud history as one of the leaders of electoral reform. As an example, our invention of the secret ballot is represented by the fact that it was known as the Australian ballot for many years. However, in the present day, it seems we have lost our way.

Our electoral system at both a State and Federal level is now so complex that it is incomprehensible for many and so abused that it is quickly becoming the subject of ridicule. Recent days have confirmed what we already suspected: that the Australian Motoring Enthusiast Party, the Liberal Democrats and the Australian Sports Party will take their place in the Federal Senate after July next year. Do not get me wrong: I am all for motoring and sport, and I am certainly for liberty and democracy. However, the fact that those parties have managed to leverage their way into our nation's highest legislative House must be of concern. It should be of great concern to us in this Parliament as the Senate's role is to represent the rights of the States. That is our federalist system, and these bizarre results undermine it. It could be argued that the natural vagaries of a democratic system should be left alone. However, the trouble is that the election of these parties is not a true reflection of the intentions of voters in their respective States.

The Sports Party candidate in Western Australia is about to become a Federal senator on the basis of 0.22 per cent of the primary vote. In Victoria, the Motoring Enthusiasts Party candidate will join the States' House on the back of 0.53 per cent. Can we really say that their respective States have chosen these candidates as their representatives? In New South Wales the story is even more bizarre. The Liberal Democratic Party's election to fill a Senate seat is explicable only by the fact that it was the first on the ballot paper, and that many voters thought they were voting for the Liberal Party. How else could one explain a nearly 9 per cent primary

vote for a party that had made no significant public comment during the campaign? I mean no disrespect to the Liberal Democrats or its candidate, but surely members of this Parliament are ill at ease with being represented on the national stage by someone who was elected by voter error.

The Australian Electoral Commission and successive Federal governments have allowed this problem to fester, and now we are seeing the result. The ABC's election oracle, Antony Green, warned us of this before the election. He said that minor party candidates could get themselves elected based on miniscule primary votes by making a series of preferences deals with other parties, and guess what happened? He calls it preference harvesting. Whatever it is called, it is a process which distorts the will of the people. Our State has played a role in the confusion as well, it must be said. I believe, and the political commentariat are coming around to this view in light of recent developments, that our optional preferential system is far better. It allows voters to number parties above the line. The preferences go where voters want them to go, if they want them to flow at all. However, having two different systems for two different layers of government is bound to cause confusion.

In the lower House there can be no doubt that in the recent Federal election, some voters would have simply put "1" next to their candidate of choice and incorrectly left the other squares blank, because that was how they voted last time, at the State election in 2011. Their vote would not have counted. This is a serious glitch in our democracy and it will take a joint effort between the States and the Federal Government to fix it. We must unify our electoral systems nationwide so that this sort of confusion cannot take place, and cannot be exploited by minor political parties. The Premier needs to get on the phone to the Prime Minister and his fellow State Premiers and work on a plan to end the confusion. If we do not sort this out, our State will continue to be represented by the winners of a mathematical lottery.

#### **ARNCLIFFE MEN'S SHED**

**Mr JOHN FLOWERS** (Rockdale) [5.52 p.m.]: I inform the House of the worthwhile activities of Arncliffe Men's Shed, which is a valuable addition to the local community. One has to access the shed at 35 Forest Road, Arncliffe, via the back lane because it adjoins the Arncliffe Community Centre, which is staffed by a dedicated group of professional personnel including Nadia Deka who plays a very large role at the centre. On 31 July 2013 I had the pleasure of attending a barbeque at the Men's Shed to celebrate the end of the financial year and also to inspect the completed and valued access ramp constructed by the men at the centre and which was funded by this Government with a Community Building Partnership grant of \$19,735.

I very much enjoyed the morning where I was shown projects the men had completed, including a very nice rocking horse, toys and others items on which they were working. Guests at the barbecue included locals Barbara, Bernadette and Val, and members of the Benevolent Society who help the aged in the area and who also do sewing for the men inside the shed. One of the founders of the Men's Shed, Keith Boog, said:

Men's sheds are not just fixing furniture and building toys—they are fixing men and building communities.

Men's sheds provide a meeting place for men to stay connected with the community, while helping their physical and mental wellbeing. Many retired men have had to downsize their living arrangements, often resulting in their personal space, usually the garden shed or workshop, being lost. As a consequence of personal circumstances, some men may be looking to spend time in a constructive environment, or simply share time with other men who enjoy similar interests. Based on the traditional backyard shed, men's sheds provide a relaxed place for men to meet and continue a hobby, learn new skills or just pop in for a chat. The establishment of the Arncliffe Men's Shed now plays an important role in the local community.

Local active handymen enjoy working on a varied range of community projects, from bird nesting boxes and cubby houses to presentation plaques for local organisations. They also provide toys and furniture for children with special needs. At these centres men can work on their own projects, such as dog kennels and coffee tables. Some people at men's sheds teach youth how to fix their own bikes, which benefits the youth and, in turn, their families and the community. From a health perspective, a concerning issue is that many men do not take an active interest in their own health and wellbeing and infrequently visit general practitioners. Men's sheds can play a significant role in reducing these problems by connecting men with each other and their communities, and health professionals. A sense of being useful can be therapeutic for many men. I commend all those people involved in the Arncliffe Men's Shed, the organisers and members, for making the centre a success.

#### **BRUNGLE TUMUT AND REGION: AN ABORIGINAL HISTORY BOOK LAUNCH**

**Mr DARYL MAGUIRE** (Wagga Wagga) [5.57 p.m.]: I refer the House to the incredible Indigenous history of the Tumut region of my electorate, as documented by a fantastic book recently published by local

Tumut author Mary Mudford. What began as a simple conversation around the kitchen table five years ago has progressed into a detailed publication that tells the story of the Aboriginal people who have occupied the Brungle-Tumut region for thousands of years. On Friday 30 August I was pleased to join Mary Mudford and the Brungle-Tumut community at the launch of this amazing book titled *Brungle Tumut and Region: An Aboriginal History* at Cooe Cottage. As Mary's publication acknowledges, the Aboriginal people have lived in our great sunburnt land for more than 40,000 years. Their Indigenous communities span all corners of our continent, including the marvellous Snowy Mountains region.

Throughout the rugged hills of what we now call the Snowy Mountains, hundreds of places of significance to local Aboriginal communities have been found. Archaeological digs have uncovered a vast array of camp ovens, stone artefacts and burial sites. The discovery of bora rings high in the mountains indicates the ceremonial importance of this region to the local Aboriginal nations. As we continue to learn more about the region's Aboriginal history, it becomes increasingly clear that the local Aboriginal people had a defined belief system, lore, traditions, social practices and agricultural production techniques.

This knowledge was fundamental to pre-colonial Aboriginal societies, preserved and taught to younger generations through storytelling and learning games. At the core of this intergenerational education was a focus on the ceremony and indigenous lore, including elder initiation and coming of age ceremonies. Invitations to such events were sent via message stick, marked with special engravings that would inform local communities of when and where a ceremony of significance would occur. One of the most well-known ceremonies held within the region was the Bogong feast, a large gathering of different Aboriginal nations, held in the summer months. The occasion provided an invaluable opportunity for those nations to trade raw materials and tools, such as cloaks, belts and weapons.

While there is no way of determining how many attended these ceremonies, or indeed accurately estimating the native population of the region, Mary's book provides documentation from the early period of European discovery and colonisation of southern New South Wales that indicates that the Tumut hills had a strong local Indigenous population that swelled in numbers during the summer festivities. Sadly, in line with our greater Australian narrative, the local Aboriginal population declined through disease, massacre and assimilation. The infamous Australian explorers, Hume, Hovell and Sturt, regularly referred to the large number of "natives" they came across during their time in the region. The trio of explorers noted at various stages of their individual explorations the living conditions of Indigenous communities. From their methodical documentation of the region we can gather that bark huts and bough shelters in the Tumut hills were consistent with those used throughout New South Wales.

Customary food sources were increasingly depleted as land clearing began and European settlement in the area commenced. While the proliferation of European settlements within the region inevitably caused tensions between Aboriginals and British settlers, some endearing stories of cooperation and friendship between the two cultures endure in local folklore today. One such story involves the great 1852 Murrumbidgee flood. European settlers who had taken up residence along the river were astonished in June 1852 when it rained heavily over three months. On the evening of 24 June, the residents of Gundagai found themselves at the mercy of rapidly rising floodwater. Having been cut off from all access routes to their settlement, European residents were saved by a local elder, Yarri, who saved more than 49 souls that evening in his bark canoe.

Such stories of cooperation are a bright mark of hope in the long and often tragic history of Aboriginal and European relations. Of course, in the era of colonisation, such endearing stories can be accurately described as an outlier rather than a trend. The Tumut region is sadly not exempt from the past. The book is a marvellous document. It relates to the Wiradjuri tribes and tells the story of the Brungle settlement, and of some very tragic past events which needed to be recorded. It is very important that we record our history, as tragic as some of it was, relating to Aboriginal communities. I commend the Tumut Brungle community, particularly Mary Mudford, for putting the book together, and commend the national parks staff and the department which enabled the funding for this to occur. It is a really good document and I had a wonderful time enjoying the company of the Aboriginal elders that we love and respect so much in celebrating this great event.

#### VAUCLUSE ELECTORATE CHAMBERS OF COMMERCE

**Ms GABRIELLE UPTON** (Vaucluse—Minister for Sport and Recreation) [6.02 p.m.]: On 5 September I was pleased to host Mike Baird, the Treasurer and Minister for Industrial Relations, at Bondi Icebergs in my electorate to address the members of the Bondi and Districts Chamber of Commerce. It was a fantastic event and a great chance for members and guests to hear directly from the Treasurer on the state of the

New South Wales economy and how small businesses will directly benefit from the work we are doing in government. We met local business owners, and many of the members that attended made new contacts, and we discussed local small business issues and the things that matter to them. I congratulate the Bondi and Districts Chamber of Commerce president, Mary Anne Cronin, on a great evening. Running a small successful real estate business and being heavily involved in local community work, Mary Anne is a fantastic advocate for small businesses in the Bondi area. She was also the 2013 Vaucluse Local Woman of the Year.

I also recently hosted a very productive forum at my electorate office with my local chambers of commerce to better understand their concerns and needs, and because we all recognise that working collaboratively and helping each other grow and achieve full potential is positive for all. In attendance at that meeting were Ken Gresham of the Queens Street and West Woollahra Association, Malcolm Kofsky of the Rose Bay Chamber of Commerce, Mary Anne Cronin of the Bondi and Districts Chamber of Commerce, and Greg Solomon of the Double Bay Chamber of Commerce. A range of issues were discussed at the forum, including funding and governance models, community events and festivals, and possible areas for greater collaboration between each chamber of commerce in my local area. It was a valuable discussion and I certainly learned a great deal about how each chamber is working for their community, and how I can help them as the local member.

While each chamber operates slightly differently in different communities within the electorate, they all have similar clientele and similar issues. Above all, they have the same overarching goals: to support and stimulate their local businesses and employment. They also provide a valuable platform for business networking and exchanging ideas; they facilitate local events, community festivals and functions to encourage positive business relations; and they identify and represent the views of their members. One of the early collaborations that came from this meeting was that the Bondi and Districts Chamber of Commerce invited members of the other chambers of commerce to our forum with the Treasurer, so that proved to be a good outcome from our meeting of the chamber leadership. This is important work in our local community and I acknowledge the hard work that Mary Anne, Ken, Greg and Malcolm do in supporting their members and our local businesses to thrive. They also support our local communities and charities.

On 3 September I attended a Double Bay Chamber of Commerce forum on how Double Bay can be the best it can be. I congratulate the Deputy Mayor of Woollahra council, Katherine O'Regan, and the president, Greg Solomon, on hosting the event. It drew about 60 people who are in business in the local area and it was a wide-ranging discussion that was hosted by Anne Fulwood. It was a great event and again I learned much about the needs of the local businesses in Double Bay. Small businesses are the backbone of the Australian economy representing 96 per cent of all businesses. In New South Wales alone there are some 680,000 small businesses, which provide employment for about 50 per cent of the State workforce. As well as their direct contribution to our State, the small business sector is a crucial platform which underpins the operation of many medium and large businesses in the New South Wales economy. As a Liberal, I believe in reward for effort, especially those individuals who wish to undertake entrepreneurial endeavour. I want to encourage individuals with the drive and courage to back their ideas and take on calculated risks. We know that, in many instances, that means putting their assets and savings behind those ideas.

Knowing what it can be like to be a small business owner and knowing what is important lie at the core of the functions of the Office of the Small Business Commissioner. Ms Yasmin King was appointed by the New South Wales Government in mid-2011 as our State's first-ever Small Business Commissioner. Her role is an important one, providing dispute resolution services and quality business advice, and speaking up for small business within government. I refer now to the Small Biz Connect advisers. I visited the Small Biz bus in Kings Cross not long ago to see how that hands-on service in the community works to support small business owners. I commend the service to the House, to the Government and to Minister Katrina Hodgkinson, for supporting some of my local business owners. This Government and I recognise the importance of keeping our small business sector healthy and supported. I commend my private member's statement to the House.

#### **CIVIC DISABILITY SERVICES LIMITED**

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [6.07 p.m.]: I highlight the outstanding work of Civic Disability Services Limited, an organisation which for more than 50 years has been supporting adults with disability and mental illness to participate in their communities and to realise their aspirations. Through its Civic Lifestyles and Civic Industries divisions, it offers a range of support services including in-home support, jobs for people with disability, leisure activities, supported accommodation, respite and other specialist supports.

Its supported employment program, through its Civic Industries division, involves manufacturing, packaging and assembly work for small and large businesses nationwide. Recently, it packed promotional materials for the Ellen DeGeneres Tour Down Under. Every employee is helped in shaping a personal career plan based on realistic and achievable goals as well as his or her level of confidence and ability. Tasks are then delegated based on the complexity of work that the employee is willing and able to undertake. Every individual is encouraged to work productively in a team environment and to build his or her skills. It is noteworthy that some have even successfully transitioned to work in the mainstream labour market. Pleasingly, Civic Industries has just completed renovations on the Caringbah premises, including an air-conditioned lunch area that I was delighted to inspect last week. That renovation has been in part thanks to Community Building Partnership funding from the New South Wales Government.

I noticed on that visit and previous visits to Civic Industries the infectious enthusiasm of staff and employees. There is a friendly and lively atmosphere on the factory floor and workers clearly enjoy the interaction with their colleagues and supervisory staff. It is not at all surprising that they have excellent staff retention and a very high degree of employee satisfaction. Civic's approach to supporting people with disability ensures each individual is afforded choice and control and empowered to be the best they possibly can be. This is achieved through a multidimensional approach to service provision.

Civic Lifestyles also employs a range of supported accommodation service models to assist clients with their day-to-day activities. This includes drop-in support to provide assistance with tasks such as shopping, banking, food preparation and developing general living skills. This is targeted towards clients living in their own, rented or family home. In addition to these clients, Civic Lifestyles supports over 70 people living in group home accommodation. Residents are encouraged to maintain family links, access leisure and lifestyle activities and to build self-esteem and personal skills.

Civic Lifestyles also operates a diverse leisure and lifestyle program that offers a range of community access activities to engage individuals of all ages with intellectual disabilities to improve their lifestyles and maximise their participation in the community. This includes, for example, an active ageing program to help adults aged 55 to 64 develop social networks, be physically active and plan for the future. At the other end of the spectrum are innovative, person-centred strategies to help young people aged 18 to 24 transition from school to adult life. This can be a particularly difficult adjustment in the life of a young person with a disability, as well as for his or her family, and it is great to see service providers offering important guidance that will help set young people on a positive path for the future.

The list of skill building and recreational activities on offer is extensive: drama, art, music, museum visits, picnics, shopping, cooking and dancing are just a few examples. The dedicated team at Civic Disability Services, including Chief Executive Officer Steve Herald, Chief Operating Officer Peter Westbrook and Michelle Zammit in Marketing and Communications and Disability Programs, have a terrific rapport with clients and are committed to ensuring they get the best possible outcomes from Civic Industries' employment services. This organisation is a terrific asset to the community. I commend all its staff members on their vision, passion and professionalism in supporting people with disability, their families and carers.

### **R U OK? DAY**

**The DEPUTY-SPEAKER (Mr Thomas George):** I call the member for Hornsby. Are you okay?

**Mr MATT KEAN (Hornsby) [6.12 p.m.]:** I am okay. Are you okay?

**The DEPUTY-SPEAKER (Mr Thomas George):** Yes, I am.

**Mr MATT KEAN:** I am glad to hear that. The reason I am glad to hear it is because today is R U OK? Day. It is a very important day because it is encouraging people in the community to have a conversation about mental health. By doing something as simple as having a conversation about mental health and asking someone if they are okay, people can make an extraordinary difference to someone's wellbeing and may just save a life. That is the whole idea behind R U OK? Day.

Tonight I would like the House to take a moment to think about the residents of New South Wales who are doing it tough or are no longer with us. This year alone 2,500 Australians will die by their own hand and scores more will attempt suicide. Imagine if more than 2,500 Australians died at our beaches; there would be a national outcry. R U OK? Day is an important step in preventing suicide. Dr McDonald, who is present in the

Chamber, would agree with me that suicide is preventable and we all have a role to play in making that happen. R U OK? Day is an important part of the strategy to prevent suicide by ensuring that people have a conversation about their mental health. Destigmatising mental health encourages people to get the help they may need, to not be ashamed to see a doctor or to have a conversation with friends or family. It may be the difference between saving a life or not.

This important date on the calendar is a national day of action to remind us all about the importance of regularly checking in with family and friends to ask if everything is okay. Stress and trauma can weigh heavily on the shoulders of many people and we as a society have a responsibility to look out for those in need of help. Most members in the Chamber have their own story to tell but I would like to share the distressing experience of a close personal friend whom I lost. I spoke about Mike Powell in my inaugural speech but, unfortunately, Mike's story is not unique. He was loved by his family and friends—we all loved him. Since being elected I have become aware of two young people in my community who took their own lives—a young girl aged 18 years who had just finished high school, and a 13-year-old girl who was shockingly highlighted on the front page of the *Daily Telegraph*. She was in year 7 at Asquith Girls High School and her suicide greatly affected me and many people in my community.

Those stories are a constant reminder that we as a Government and a community need to put more resources into the mental health sector and suicide prevention. I know, Mr Deputy-Speaker, about your commitment to this. We have spoken at length about our great mutual friend John Brogden, what he went through and whether or not an initiative like this could have helped him. I am pleased to report that John is doing very well. He has a wonderful family and is making a tremendous success of his life. He has turned his dark experience of attempted suicide into a positive and is making a tremendous difference to our community. I place on record again that I think he is the best Premier this State has never had.

I am very proud that I have been able to deliver on my election promise to open a new mental health clinic at Hornsby hospital. This facility will reach out to my local community, help those in urgent need and prevent more suicide deaths. When I leave this House this will probably be my greatest achievement—we have been able to get not only a first-class, state-of-the-art adult and adolescent mental health facility but also beds specifically for adolescents. Currently the North Shore has a severe lack of beds for young people suffering from mental illness, whether it is eating disorders or more acute disorders. This Government has delivered more beds for the community of Hornsby and that is a wonderful achievement.

Suicide is the single largest killer of men under 44 and women under 34. We as a community must send a message—and we can do that today through R U OK? Day—that no matter how dark, how ashamed, how helpless and how hopeless someone might be feeling, there is a way through. That is what this initiative is about. Mental illness does not discriminate. Depression can strike at any time, whether a person is young or old, male or female, black or white, Catholic or Protestant. All too often society ignores the early warning signs and does not act soon enough. If help is not offered then those close to the deceased are often filled with feelings of regret and helplessness. I remind the House that sometimes a little question like R U OK? can make all the difference. I ask all members in this place to get behind this important initiative, as they have done today by wearing badges, and having the conversation of asking people whether or not they are okay.

**The DEPUTY-SPEAKER (Mr Thomas George):** I thank the member for Hornsby for his comments. Today is R U OK? Day. I also thank members for supporting the day by wearing their badges. Lismore also has a mental health unit with child and adolescent beds and I know the establishment of that unit meant a lot to my community. There would not be a member in this place who has not been touched by suicide. We must all continue to work towards trying to reach a solution and be supportive of people with mental illness.

#### BALMAIN ELECTORATE SCHOOLS

**Mr JAMIE PARKER (Balmain)** [6.18 p.m.]: This evening I speak about the important challenge and opportunity that faces my electorate when it comes to the Department of Education and Communities managing growth in local schools. The Balmain electorate has 13 primary schools and three high schools. Those schools are facing an unprecedented increase in the number of enrolments, which is continuing and set to rise. On current projections almost 1,000 more students will enter Balmain schools over the next five years to 2018, which offers a significant challenge but a great opportunity. I am delighted to have had discussions with staff from the office of the Minister for Education and Tony McCabe, Director, Planning and Delivery, and others to bring together school communities and principals to ensure that we plan in the best interests of the community.

The enrolments issue is significant because of our great public schools, if for no other reason. Schools in my electorate perform incredibly well—the three campuses of the Sydney Secondary College and all those public schools about which I am talking specifically. Of course, as the member representing the Balmain electorate I have spent much time working with my public schools and non-government schools. The pressure on government public schools is significant. By 2018 an additional 40 new teaching spaces will be required in my electorate's schools, not to mention the 16 spaces the department currently believes are spare but facilitate how we manage schools. Many schools have computer labs or art classes that the department perceives as teaching spaces but are used otherwise. We are bringing together parents and citizens associations to highlight that while the department might view a computer lab as teaching space, it is an important part of making teaching and learning in the school environment to make the school great.

Future planning is not just about the department gobbling up well-utilised spaces for what it calls teaching spaces; it is recognising the whole nature of the school. For example, the department does not consider before and after school care—out of school hours or OOSH care—but we believe it is very important and requires planning, especially with some schools admitting hundreds of new students. Planning will make sure public schools have enough toilets, teaching staffroom space, storage, space for art, computers, music, dance and other things. I brought together members of my school community to make sure that we can work constructively with the department and work together as advocates for our local community. A boundary change for one school might significantly impact another school, and vice versa.

I particularly highlight those in my community involved in their parents and citizens associations and who are fantastic advocates for their local community: Rachael Beckett, Susie Choi, Robert Dodgson, Christina Cleaver, Catherine Sengupta, David Eckstein, Stewart Scott, Angela Davis, Kate Myles, Felicity Butler, Julie Charlton, Kiri Dumont, Wendy Routledge, Susanne Larson, Christina Wilmot, Jennifer Anderson, Nick Davison, Stuart Scott, Dale Wilson, Sarah Howard, Ann Morey, Peter Bestel, Tony Board and Jennifer Vincent. Each of them has participated in the parents and citizens committee I put together. The committee's focus is on planning for government schools in the Balmain electorate. We will work constructively with principals and the department to make sure we can accommodate student demand to prioritise and promote the high performance of students in all areas of their lives within that school environment.

At the moment the department's priorities have been, for example, boundary changes, then demountable rooms, prefabricated buildings and then actual permanent buildings. We want to make sure that the department acknowledges the breadth of experience in which a school student participates in the school environment. We need the facilities so that we are not just delivering individual rooms for teaching space, but supporting a quality environment for all students. I look forward to working with the Minister for Education, his staff and the department to make sure that we reach a positive outcome to promote quality education in the government school sector in my electorate to accommodate the increased demand that benefits parents, teachers and the broader community. I look forward to working with the Government to progress this matter in the coming months.

### **BRAIN AND MIND RESEARCH INSTITUTE**

**Dr ANDREW McDONALD** (Macquarie Fields) [6.23 p.m.]: On 29 August I attended the Brain and Mind Research Institute [BMRI] in Camperdown with the Minister for Health where the latest advances in brain imaging were discussed and we heard from researchers and clinicians. Professor Ian Hickie from the Brain and Mind Research Institute acknowledged the commitment of the University of Sydney and successive State and Federal governments to medical research in neurology and psychiatry. For example, the opening of the Head Space Clinic in Campbelltown has been of enormous benefit to young people aged between 12 and 25 in the Macquarie Fields and surrounding electorates. Over the next few years continuing research will unlock the secrets of the brain. Those areas will be in the human genome and improvements in brain imaging, such as magnetic resonance imaging [MRI] and positron emission tomography [PET] scanning.

In the early 1900s the science of the brain was divided arbitrarily into neurology and psychiatry: neurology was when one could see an abnormality physically or on investigation and psychiatry was when one could not see anything. Much more remains to be done as 40 per cent of health-related disability is related to disorders of the brain and mind, which will increase rapidly over the next 30 years not only due to the rise of dementia, but also through increased recognition of the education and emotional costs of child and adolescent mental health disorders. The Brain and Mind Research Institute of the University of Sydney does magnificent research into ageing, inflammatory disorders of the brain, such as multiple sclerosis and substance abuse, but also youth mental health and child brain development. The Sydney Neuroimaging Analysis Centre [SNAC] is



associated with this research. The Sydney Neuroimaging Analysis Centre is a world-leading neuro-analysis centre, which means that research that used to be done in other countries now can be done in Camperdown. The Sydney Neuroimaging Analysis Centre is able to perform magnetic resonance imaging without anaesthetic.

The Brain and Mind Research Institute, for example, is able to perform magnetic resonance imaging without anaesthetic on children as young as four years. Novartis has been a major supporter and investor in Australian research and development. It supports the establishment of the Sydney Neuroimaging Analysis Centre in the Brain and Mind Research Institute. The Sydney Neuroimaging Analysis Centre is a state-of-the-art image analysis facility. Tim Wang, who works there, showed me the latest cutting-edge ways of measuring the effects of diseases on the brain, such as multiple sclerosis. The images report on the number of lesions as well as measuring grey and white matter volume. This information is vital in measuring disease progression in many conditions, such as multiple sclerosis. The Sydney Neuroimaging Analysis Centre is the only imaging facility in the Southern Hemisphere capable of undertaking magnetic resonance imaging measurements suitable for Phase III trials by the United States Food and Drug Administration.

Novartis is a world leader in the research and supply of numerous medications in neurology and psychiatry. For example, Gilenya—or fingolomod—has enormous potential for the treatment of multiple sclerosis: it is a once-daily pill. During our visit Associate Professor Michael Barnett spoke about multiple sclerosis, which is a mixture of inflammatory and degenerative changes in the brain. The average age for onset of multiple sclerosis is 30 years, which means that many years of useful life are lost by those who develop multiple sclerosis. The Brain and Mind Research Institute has a multiple sclerosis clinic. We can now measure brain volume on magnetic resonance imaging. This measures the effects of the progression of disease, such as multiple sclerosis because the major concern of those with multiple sclerosis is disability progression rather than the inconvenience of attacks or so-called exacerbations.

The rate of brain atrophy can be very accurately measured, and brain volume measurement, grey matter volume and atrophy are now among the world's best. With the cooperation of the University of Sydney, the Brain and Mind Research Institute and Novartis we now have a world-leading facility with enormous benefits to the constituents of every member of Parliament. Certainly, the area around the Macquarie Fields electorate has large numbers of people diagnosed with multiple sclerosis. Such facilities will be of enormous benefit to them for many years. I commend the Brain and Mind Research Institute, the Sydney Neuroimaging Analysis Centre and Novartis Pharmaceuticals for this outstanding initiative.

**Private members' statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 6.28 p.m. until  
Tuesday 17 September 2013 at 12 noon.**

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