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# LEGISLATIVE ASSEMBLY

Thursday 19 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

### Routine of Business

*[Interruption]*

**The SPEAKER:** Order! If the member for Cessnock continues to behave in that manner he will be removed from the Chamber.

**Mr Clayton Barr:** It is International Talk Like A Pirate Day.

**The SPEAKER:** Order! I do not care what day it is.

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## ANTI-DISCRIMINATION AMENDMENT (PRIVATE EDUCATIONAL AUTHORITIES) BILL 2013

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

### Second Reading

**Mr ALEX GREENWICH** (Sydney) [10.05 a.m.]: I move:

That this bill be now read a second time.

School is a vital part of development and should not be a place where children and young people are subject to discrimination or unfair treatment and left exposed to abuse or bullying. Schools are places for study and personal development and the law should not allow fear and intimidation of vulnerable groups to impact on students' learning outcomes. The Anti-Discrimination Amendment (Private Educational Authorities) Bill removes the exemptions in the Anti-Discrimination Act that allow private schools and other private education institutions to discriminate against students. The Act allows for private education authorities to discriminate against people with a disability, single mums, lesbian, gay, bisexual, transgender and intersex teens, and other vulnerable groups. Some parts this bill will simply bring the State Act into line with the Federal Anti-Discrimination Act and other parts give students who currently do not have recourse if they believe they have been discriminated against access to the independent Anti-Discrimination Board. This is a straightforward bill that is designed simply to protect vulnerable students.

Australia is a country that promotes tolerance, acceptance and equal opportunity. We recognise the special vulnerability of children and young people. So it is vital that all students are treated fairly and are given the same opportunities regardless of their background, family make-up, sexuality or personal characteristics. The December 2008 Melbourne Declaration on Education Goals for Young Australians agreed to by all Australian education Ministers has as its first goal that Australian schooling should promote equity and excellence. It requires all Australian governments and all school sectors to provide every student with access to high-quality schooling free from discrimination based on gender, language, sexual orientation, pregnancy, culture, ethnicity, religion, health or disability, socioeconomic background or geographic location.

In New South Wales these principles are enshrined in the Anti-Discrimination Act, which makes it unlawful to expel, refuse to enrol, or limit access to benefits provided by a school, or to subject a student to any other detriment based on certain grounds of discrimination. These grounds are race, sex, transgender, marital or

domestic status, disability and homosexuality. However, on all grounds but race, there are exemptions for private schools and other private education authorities allowing them to discriminate or condone discrimination against students in ways that are unlawful for public schools. The need for change has been known for many years. In 2011 the Attorney General was quoted by David Marr in an article in the *Sydney Morning Herald*. He stated:

It is an unusual provision in this day and age, it is something that should be reviewed, looked at with a view to perhaps changing it. Times have changed.

I agree. Discrimination can involve being treated unfairly in comparison to other students. It can also involve being singled out and targeted, being coerced to leave, or having authorities turn a blind eye to or tolerate bullying or harassment. Students at private schools can legally be expelled or pressured in to leaving if they are pregnant, or they can be singled out and be provided with no assistance to combat bullying if they are gay. Private education institutions, including universities, colleges and specialty schools like business schools, are also subject to the exemptions. These institutions can also deny entry to people with a disability and kick out students who are gay or lesbian, transgender, single, too old, or pregnant.

While most schools and institutions choose not to allow this discrimination, there is limited legal protection if they do. Students from private schools who suffer from discrimination cannot go to the Anti-Discrimination Board. Opponents of the bill say that change is not necessary because private schools no longer discriminate or permit discrimination, but this contradicts the stories I have heard. I will share some of those stories with the House so that members can understand that discrimination does happen and does impact on students and children. The first student told me that he was openly gay throughout 2008 and 2009 in years 11 and 12 at an Anglican college. He stated:

I was actively involved in creative arts, business and hospitality, music ensembles, representative council, student prefect council, student support mediators, as well as [assisting] with student admin duties as an officer for the student services office. I was never supported by the school or recognised for my contributions and when I graduated from the high school, they used me as a marketing tool and example of how [the school] gets their students ahead in their careers and futures due to their "supportive", "moral values" education. In addition the high school made the HSC process harder, by repeatedly throwing me regularly into the counsellor's office because I was apparently "sick" because I was gay. I remember regularly coming home from school and locking myself in my room and crying for hours.

Another student from a Catholic Marist college stated:

My peers' reaction to my sexuality was expected, losing friends, everyone hating me, girls feeling weird around me in the PE change rooms, people pointing and laughing at me, teachers on duty doing nothing and telling me "kids will be kids", but when my English Teacher ... also discriminated against me for my sexuality, I was shocked.

She had asked the class to write an essay on anything we felt passionate about as practice for our year 10 certificate, I chose a topic about equality for gay people. Before I even put pen to paper she asked me what I was doing and I told her. She called me up to her and told me that I was disgusting and that I will never be allowed to write anything like that in her classroom. She looked me in the eyes and told me that not only was I disgusting but I was a disgrace to the school and to my Catholic religion.

I said nothing while she was yelling at me, but when she was done I said "I believe love is love, regardless of gender". She instantly yelled at me to get out. She took me outside and screamed at me further until she got my year coordinator's attention, she told him what happened and he took me to his office where he told me "You're skating on thin ice, and I don't know if we should let you into Senior School".

In my religion class shortly after, we each had to write a speech on bullying. I chose to not do my speech on statistics and how bad it is like everyone else, my speech was about my peers, what it's like to go from getting A's to being depressed and getting E's and I spoke about my experience with my English teacher. Three quarters of the way through I broke out into tears in front of my class and by the end of that term I had left the school. I had had enough. I now work in retail and have no shot at becoming the psychologist that I wanted to be.

That school was a constant hell from year eight when my sexuality got out until the day I left, and now the rest of my life will reflect that school's actions, or should I say lack of actions to help me.

I know that it is too late for me to do anything; I know that I am now stuck in retail, but I am not writing this for myself ... The laws need to be changed; I wouldn't wish this on anyone.

I have additional stories that I will relate, but it is important to note that this type of discrimination against vulnerable students is now allowed under New South Wales law. Another private school student told me that things did not go well for him when fellow students and teachers found out he was gay after he appeared in a *Girlfriend* magazine coming-out story with his partner and then on the *Sunrise* program. He said:

Basically it was six weeks before my HSC and [the school] set a meeting with me and my mother to talk ... about the "issue" of my sexuality. After this meeting the conclusion was that they would take it to the school board to see what will be done, whether or not I would be expelled.

That was six weeks before the Higher School Certificate exams. He continued:

A week later I had another meeting saying I could stay in school on these conditions:

- 1: I could not mention/talk about my sexuality at school
- 2: I would be excluded from some school functions
- 3: I had to see a councillor weekly until I left school

I didn't agree with this but with only six weeks left I had to suck it up and deal with it. It left me feeling very angry and stressed.

The last student whose story I will relate is currently at a private Christian school. He told me that only a handful of classmates and teachers know about his sexuality, but that there are countless rumours that he has avoided responding to because his principal has indicated to him that if he is openly gay he will be expelled or removed from his extra-curricular activities because it would be a bad influence on younger students and goes against the educational creed of the school. He stated:

Homosexuality has been brought up countless times during class, and a majority of teachers and fellow classmates have said incredibly homophobic things, including one teacher saying that "gays should get shot". After a classmate asked me about rumours spreading, she said, "Have you heard of how many diseases and STTs homosexuals get?"

It is difficult to be open and honest about yourself, and at least your views, when other people want to vilify you. This is something that I had to learn the hard way, through being vilified. What makes it worse is the fact that staff couldn't really do anything.

The student told me about one incident in which he asked a fellow student who was being rowdy to be quiet. He was subjected to a number of homophobic profanities, but the teacher did little in response. He said that my bill is important because it sends a message to all private schools that discrimination and bullying are never justifiable. He hopes that the bill will pass so that future students will be protected.

These experiences—and I could relate more—come from a variety of schools across the State, including the Penrith Christian School, where the Prime Minister announced increased funding for private schools. At the time, the school had an official statement referring to homosexuality as an "abomination". I have heard other stories, and during a recent meeting with People with Disability I was told that it is aware of cases of discrimination against students with a disability. I expect to hear more stories in the coming weeks and I will share them with members. For a child, falling victim to discrimination at their school impacts on their self-confidence and sense of worth, and it can seriously disrupt their education. It legitimises vilification and harassment by other students in and outside the playground. Students suffering from bullying by their peers because of their lesbian, gay, bisexual, transgender or intersex status are less likely to report the matter to teachers if they know they could be expelled. A school that can legally discriminate is less likely to have processes in place to deal with this type of bullying if it is reported.

Girls who become pregnant at school are less likely to graduate and are more likely to become welfare dependent and socially and economically disadvantaged, and they are more likely to end up in an abusive relationship. It is not in their best interests to be expelled or to be pressured to leave school. The exemptions in the Anti-Discrimination Act make students at some private schools more vulnerable than students at public schools and expose them to wider violence and abuse. While parents may choose their child's school, the State should protect children from discrimination regardless of which school they choose. Furthermore, parents who send their children to private schools should not be seen to condone discrimination. There are many reasons parents choose a private school over a public school—including proximity to home, academic record, discipline, and attendance by other family members. I have repeatedly raised in this House the absence of a public high school in the Sydney electorate, which means some parents choose a private school based purely on location. They have no choice but to send their children to a school where they could be legally discriminated against.

A 2004 Newspan survey of 650 randomly selected adults in New South Wales and Victoria undertaken on behalf of the Australia Institute found that 89 per cent disagreed that private schools should be able to expel a student for being gay, with 76 per cent strongly disagreeing. The survey found no difference between parents of students in private schools and parents of students in public schools. Given that acceptance of the gay and lesbian community has increased greatly since 2004, I would expect support for my bill to be even higher. Parents may not know when they enrol their child that later down the track he or she will come out as lesbian or gay, become pregnant, or have a disability. All parents want a compassionate and supportive school environment for their children. Students who are not subject to discrimination themselves should not be forced to learn in an environment that condones discrimination against their peers. The Anti-Discrimination Amendment (Private Educational Authorities) Bill will make private schools and private education institutions subject to the same laws that make discrimination unlawful in public schools.

It is important to note that cuts to TAFE and increased subsidies to the private adult education sector are expected to increase private college enrolments as they have in Victoria. However, people with disabilities, single parents, and other vulnerable students will have less protection against discrimination in such institutions than they currently have in a TAFE. Each section of the Act that makes it unlawful for a public school to discriminate on the grounds of sex—including pregnancy—transgender, marital or domestic status, homosexuality, age and disability includes a subsection that exempts private schools and private education institutions. The bill would remove these exemptions. Like public schools, private schools will still be able to retain single-sex schools and to specify age where the level of education is provided only for students of a particular age. As with public schools, private schools will still be able to refuse to enrol a student with a disability if, after considering all possibilities, the enrolment would create unjustifiable hardship to the school, staff or students over and above any benefit the enrolling student would experience. Australia should not condone discrimination against children. Students in private schools should not be treated any less favourably than students in public schools.

Some members will express concern, and some members have, about religious freedom. I ask those members to consider that a person can be gay and religious—whether a Christian or a follower of some other faith. Earlier this year the House unanimously welcomed and acknowledged the world's first openly gay bishop, Gene Robinson. People of faith who are gay, transgender, single mums or who have a disability should be free to learn at a religious school that respects and teaches their faith and be free to do so in a discrimination-free setting. This bill protects their religious freedoms and allows them to do that. The bill does not affect in any way what a school teaches or who teaches it; it simply provides students like those I have mentioned with access to recourse should they be unfairly discriminated against. Schools are set up first and foremost to educate children and young people. The law should not let them be exposed to discrimination at such an important time in their development because they are enrolled at a school run by a particular religious group.

Before proceeding with debate on this bill I will continue to consult. I have already released a discussion paper, which is available on my website at [alexgreenwich.com](http://alexgreenwich.com). I encourage people, especially those affected by discrimination, to make a submission. I have also briefed the Attorney General's office and spoken to the Labor Party and The Greens about my bill. My door is open to any member of Parliament or stakeholder who has questions or concerns. I thank The Greens for their support of the bill and I thank the Labor Party for the serious and sympathetic consideration it is giving the bill. I hope that the Government will at least consider granting a conscience vote on the bill as it did with legislation dealing with voluntary euthanasia and marriage equality and the bill we will debate next today, the Crimes Amendment (Zoe's Law) Bill (No 2). It is important that vulnerable students such as those I have mentioned in my speech know there are people in the Government who do not tolerate this sort of discrimination. I commend the bill to the House.

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

**The SPEAKER:** Order! It being before 10.30 a.m., General Business Orders of the Day (for Bills) will be proceeded with.

### **CRIMES AMENDMENT (ZOE'S LAW) BILL 2013 (NO 2)**

#### **Second Reading**

**Debate resumed from 29 August 2013.**

**Mr PAUL LYNCH** (Liverpool) [10.22 a.m.]: I oppose the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2). Although I am shadow Attorney General, I do not speak in this debate on behalf of the Labor Opposition because this side of the House will have a non-party vote, commonly known as a conscience vote, on this bill. In my view, that is a mistake and an entirely wrong decision, and I will return to that issue later. This bill is, in a legal sense, quite unnecessary and it appears that it is being pursued only for extra legal reasons. Providing criminal offences that are legally unnecessary is always bad policy and inevitably has the potential for unintended consequences, both directly and indirectly, no matter how extensive and broad limiting provisions may be and how resoundingly they are proclaimed by the bill's proponents.

A proposal of the type in this bill was rejected following an inquiry conducted by Michael Campbell, QC. That inquiry's report—known as the Campbell report—was entitled "Review of laws surrounding criminal incidents involving the death of an unborn child", dated October 2010, and was prepared at

the request of Attorney General Hatzistergos. The report persuasively argued that the current legal position relating to the destruction of or harm to a foetus is entirely adequate from a legal perspective. The report followed public input and public submissions and a degree of transparency that is conspicuously absent from the preparation of this bill.

The Campbell report followed an earlier report by Mervyn Finlay on aspects of the law of manslaughter in New South Wales, which was subsequently superseded by a Court of Appeal decision in *Regina v King* [2003] NSWCCA 399, codified in legislative amendment in 2005. I spoke in the debate on and supported the Crimes Amendment (Grievous Bodily Harm) Bill 2005, as did the Labor caucus and the then Opposition in this Chamber led by Andrew Tink. Section 4 of the Crimes Act now provides that grievous bodily harm includes:

The destruction (other than in the course of a medical procedure) of the foetus of a pregnant woman, whether or not the woman suffers any harm.

No case has been established to show that anyone deserving of sanction has escaped being dealt with because of an inadequacy in this legislation. John Stratton, SC, was quoted in the Campbell report as saying:

Under the current arrangement, it could not be said that any offenders are escaping punishment.

With all due respect to all concerned, that is reinforced in every sense by the judgement of Ellis, J in *Regina v Hampson*, unreported, District Court, 23 March 2011. Campbell also recorded the wide range of opposition to amendment of the current provision and the introduction of what are called generally "child destruction offences".

There is no compelling support from other jurisdictions for the course charted in this bill. Victoria had an offence of child destruction in section 10 of its Crimes Act. The Victorian Law Reform Commission recommended the abolition of that provision in its final report on the law of abortion in 2008. It also recommended the adoption of the current New South Wales position. The Victorian Law Reform Commission report was referred to by Campbell in his report, and I recommend chapter 7 of the Victorian report to those who are seriously concerned by these issues. It is true that some other jurisdictions do have child destruction offences. However, crucially, no one model has been adopted. Jurisdictions seem to be going off in different directions. If there were one model adopted elsewhere, the arguments of the proponents of this bill would have considerably more weight. In any event, there are almost no prosecutions in other jurisdictions. Campbell concluded that the current law was adequate and pointed out the thankfully very small numbers of cases to which such provisions might apply.

The Finlay report stated that no-one had ever been charged with these offences in Tasmania or in the Australian Capital Territory, that there had never been a conviction for the offence in Victoria or Western Australia, and that in Queensland there had been only one conviction. At paragraph 11.33 the Campbell report stated:

A key factor in dealing with this suggested question is the number of cases likely to fall within the new offence

Whilst I feel great sympathy for Ms Donegan and for others in her position there is a very substantial disproportion between their numbers and the wide-ranging concerns likely to be felt by a significant proportion of the female population.

He also said at paragraph 7.2:

These offences provide, in the presence of appropriate culpability, a relatively direct path to the punishment of an offender.

He also said at paragraph 14.2:

Acknowledging the concerns of Ms Donegan and those who take a similar position I conclude that the current offences do allow the justice system to respond appropriately.

I agree with Campbell's sentiments and his conclusion. There are other reasons for my opposition to this bill apart from the fact that the current law is adequate; that is, that the bill is legally unnecessary. Most obviously, this bill is more complex than the existing law. That is a bad thing unless there is some strong argument to justify complexity. Complexity should be opposed not simply because of a purist lawyer's aesthetic concern but for more fundamental reasons. The more complex an offence the harder it is to prove and defend and the harder it will be for a jury to understand. The bill also seeks to create two separate prosecution regimes. The current regime remains for a foetus of less than 20 weeks gestation or with a body

mass of less than 400 grams, but then another new offence is applicable for a foetus of at least 20 weeks gestation or a body mass of at least 400 grams. This seems more complex than is desirable. The use of such cut-offs seems distinctly odd.

No thought seems to have been given to multiple pregnancies. One foetus could weigh 410 grams and its twin 390 grams, which means that in these circumstances they would be treated differently—a result that seems quite wrong. I also anticipate that it would be at least confusing and probably distressing for those involved. There is also an objection from the New South Wales Bar Association. Phil Boulten, SC, President of the New South Wales Bar Association, in a letter dated 6 September 2013, states in part:

The Bar Association is concerned that the definition designed to distinguish between a foetus which is treated as part of the pregnant woman and 'unborn child' which is treated as a distinct 'living person', is arbitrary.

It is not apparent to the Bar Association what principle is being applied in respect of the definition. Why should a foetus of 19 weeks and 6 days be treated differently from a foetus of 20 weeks for the purposes of the criminal law? Why should a foetus of 399 grams be treated differently from a foetus of 400 grams for the purposes for the criminal law? The arbitrary nature of the definition does not have the same significance in the context of recognition of a 'stillbirth' under the Births, Deaths and Marriages Registration Act, but it has great significance in the context of New South Wales criminal law.

For example, while the maximum penalty for an offence of intentionally cause grievous bodily harm will be the same (25 years) whether the grievous bodily harm is understood as having been caused to the mother or to the foetus, the implications for the purposes of sentencing may be great. Where a foetus falls within the definition of an 'unborn child', the level of grievous bodily harm to the foetus which has been destroyed will be at the highest level, pointing to the imposition of the maximum penalty in the absence of any significant mitigating circumstances.

In contrast, if the foetus does not fall within the definition, the level of grievous bodily harm caused to the mother may be assessed differently, with significant implications for the resulting sentence. The arbitrary nature of the definition will require substantially different sentencing outcomes based on which side of the line created by the definition the foetus falls and will be unjust and embarrassing in the legal sense of the latter expression.

The 20-week gestation, 400 gram limit is taken from the Births, Deaths and Marriages Registration Bill. That seems almost perverse to me. That was certainly not the basis of that Act using those limits. That is abundantly clear to people, like me, who have read the second reading debate on the bill in 1995 or the relevant portion of report 61 of the New South Wales Law Reform Commission entitled "Registration and Certification of Births and Deaths" from 1988, which led to this Act. These provisions are all about medical research and assisting parents to grieve. That is clear from the *Hansard*. It is also a point made by Campbell and the Bar Association. It is at best disingenuous to present these legislative provisions as the basis for a new criminal offence. It is also disingenuous to say, as the member for The Entrance did in his second reading speech, that this argument equates to saying that the Births, Deaths and Marriages Registration Act deals completely with the grieving of parents. That is not what Jeff Shaw said in 1995 or what Campbell said in his report.

There is, moreover, a logical inconsistency in the bill. It clearly seeks to establish an unborn foetus as a person, as seen in new section 8A (2) (a), which seems to be there for more abundant caution to negative the longstanding born alive rule, which was recently upheld in the *Iby* case in the Court of Criminal Appeal. Yet the destruction of the foetus merely sounds as grievous bodily harm. To be logically consistent, the bill should be dealing with the law of homicide, of murder and manslaughter. I assume the mover of the bill thought that this was too difficult politically. That has forced him into the position of illogical inconsistency expressed in this bill. I also oppose the bill because of the possibility of impact upon a woman's right to control her own body. Terminations have not been decriminalised in New South Wales; terminations are illegal unless certain requirements are met.

Several years ago there was a prosecution and conviction in New South Wales of a doctor under those criminal provisions. I note in passing that defence counsel in that case was Phil Boulten, which simply adds to his credibility as an expert in this field. There is clearly an area of potential overlap between child destruction offences and the law relating to terminations. That is explored in both the Campbell report and the Victorian Law Reform Commission report. That will be especially so in relation to late terminations. There is an attempt to deal with that issue in new section 8A (4) of the bill. I do not regard this attempt as satisfactory. As some advocacy groups have pointed out, there are issues surrounding the giving of consent, especially for those with disabilities in relation to paragraph (b). Moreover, there must be the possibility of courts interpreting the phrase "medical procedure" in such a way as to exclude the destruction of a foetus, especially granted the intent of the bill seems to be to create a personhood for a foetus. The New South Wales Bar Association has pointed out similar concerns. I quote again from the letter I referred to earlier, in which Mr Boulten said:

Adoption of the principle in this bill would have obvious implications for late term abortions, notwithstanding the explicit limitations in the bill relating to medical procedures. Acceptance of the principle that some foetuses which satisfy the definition of an "unborn child" are to be treated as "persons" would necessarily call into question the "medical procedure" exception. When can a medical procedure designed in the interests of the mother be permitted to harm, let alone result in the destruction of another "person"? Equally, can a mother consent to the destruction of the foetus when what is occurring involves the destruction of another "person"?



Put simply, the claimed exclusionary intent and effect of new section 8A (4) is not good enough. Australian Lawyers for Human Rights has also expressed concern about how the provisions will be interpreted. The Victorian Law Reform Commission report referred to an instance in 2000 where a possible breach of the then child destruction offence in that State led to an investigation by police of medical professionals, notwithstanding the exclusionary provisions in its legislation. No charges were laid in that instance, but the fact that an investigation could occur shows the potential danger in this area. Of course, even if new section 8A (4) did have the exclusionary impact, that in my view is incorrectly claimed; there is nothing to prevent a future amendment removing it.

The possibility of other consequences flowing from the enactment of the legislation is also a reason to oppose the bill. There is a fear that the criminal reach of the bill might catch women who behave recklessly with alcohol and drugs. That has been reported to be the path pursued in some jurisdictions in the United States. There is also a fear that the taking of RU486 might be caught by the provisions of this bill. That is especially so in light of the inadequacies of new section 8A (4) which I have mentioned and which were alluded to in the Bar Association's letter. There is a further set of considerations that lead me to oppose the bill. Notwithstanding all of the protestations to the contrary by parliamentary proponents of this bill, the legislation is about termination. The bill is about rolling back a woman's right to choose and about making terminations criminal. If the bill passes this House it will be sponsored in the other place by Reverend the Hon. Fred Nile. That is additional evidence of what is obvious to me. Support for the bill by inveterate anti-choice campaigners confirms my view about this. It is certainly my firm view, and it is the firm view of many others. Writer Clementine Ford recently put it well when she said:

Once you broach the topic of personhood in a foetus, you make it that much easier for anti-choice legislators and campaigners to chip away at hard won rights that have saved countless women and biologically born females over the years.

Women's Legal Services Australia has also written:

While extremely concerned about the harm done to women, including their foetuses by violent acts, WLSA views the proposed law as a clear attempt to undermine women's rights by changing the legal status of a foetus.

The bill can legitimately be seen as the thin end of the wedge. It is of course complete cant from proponents of this bill to say that it does not have symbolic implications that can be used in the ongoing anti-choice campaign to criminalise terminations. Indeed, the arguments used to support this bill show clearly how the provisions of one law can be used to justify something else altogether. The proponents of this bill have justified the provisions defining "unborn child" by relying on the provisions of the Births, Deaths and Marriages registration legislation. Of course, that Act has nothing to do with criminal offences, the Crimes Act or grievous bodily harm. One need only read the second reading debates or the Law Reform Commission report to realise that. But that Act is being used to justify this bill in exactly the same way that this bill, if passed, will be used in future attempts to criminalise terminations. The arguments in support of this bill provide powerful evidence of why it should be opposed. Of course, support of this bill by notorious anti-abortion activists simply means that they do not have the courage to move specific legislation themselves.

**Mr Chris Spence:** That is shameful. That's disgraceful.

**The SPEAKER:** Order! Members will have an opportunity to contribute to the debate. The member with the call will be heard in silence.

**Mr PAUL LYNCH:** There are broader implications of the legislation. The Bar Association said:

There is legitimate concern about the broader implications of the bill. It may be accepted that the bill is limited in its application to offences involving the causing of "grievous bodily harm". It would not apply to offences of murder or manslaughter. However, the Bar Association believes that legislative acceptance of the principle on which the bill is premised—that a foetus which satisfies the definition of an "unborn child" is to be treated as a "person" under New South Wales criminal law—is very likely to lead to further changes to that law.

Once legislation is enacted which provides that an "unborn child", as defined in the bill, "is taken to be a living person" for the purposes of some offences, it will be very difficult to resist comparable changes to other offences, including murder and manslaughter.

The letter continues:

If an "unborn child" within the meaning of that expression under this bill is to be treated as a "person" under New South Wales criminal laws, it will be difficult to resist its adoption in respect of other New South Wales criminal laws.

As I said when I commenced my remarks, the matter is being treated by the Labor Party as a conscience vote. I regard that as a wrong decision. As Nicole Campbell, coordinator of New South Wales Emily's List, recently put it in an email:

Since when did protecting women's right become a matter of conscience for the ALP?

We did not have a conscience vote on the 2005 legislation, which this bill seeks to amend. No cogent, coherent or logical reason has been advanced to me to justify having a conscience vote. The bill is also opposed by the Australian Medical Association, which said:

The view of AMA (NSW) is that the current extended definition of "grievous bodily harm" under the Crimes Act 1900 is sufficient and should not be amended. Any further extension of the legislation, to create a charge of grievous bodily harm for a child in utero, in our view, would have unintended consequences and flow on effects in other areas of medicine and, indeed, the law. Further, AMA (NSW) objects to any legislative amendment or creation of a criminal offence which recognises an unborn child as a legal entity independent of its mother. Our immediate concern is that such recognition would create unnecessary complications across several of members' specialities, such as genetics and obstetrics.

I have received various representations and admonitions from various sources as to how to vote on this bill. The only representation from anyone actually resident in my electorate was from someone who wants me to oppose the bill. Someone living near my electorate who is known as an anti-choice activist enthusiastically encouraged me to support the bill. The member for The Entrance sent me a few documents a couple of days ago. Some of them, replete with capitalisations and underlining, did not advance the debate terribly far. Indeed, I am not sure that distributing articles from Miranda Devine will maximise the member's support. In relation to the assertions by the member for The Entrance about what the law will mean as contained in his documents, this is not *Alice in Wonderland* where the words are what we say they mean. The words mean what the courts will say they mean, and that means a legal analysis and interpretation of those words. My interpretation of what I think the courts are likely to say is what I have said here. If I have a choice between what the member for The Entrance says and what Phil Boulton says, no-one would be surprised as to which of those views I will adopt.

I have also received representations opposing the bill from a range of organisations, including Domestic Violence NSW, the Women's Electoral Lobby, Women's Health NSW and Family Planning. I do not pretend to understand the emotions and the experience of Ms Donegan. As every other person participating in this debate will no doubt echo, one can only feel immense sympathy for what she has gone through. And frankly, we will be grateful that we and our families have not had to go through it. It is part of our job in this place to sympathise with people and understand how people feel. That is an important part of being a member of Parliament. It is also an important part of being a member of Parliament that in a complex area that interplays with law and morality, we make carefully thought-out, rational decisions; that we analyse the material in front of us, we analyse the bills that are being proposed, and we look at what has come before us. When I do that, I have no conclusion to draw other than that this is a bad bill, which I oppose.

**The SPEAKER:** Order! I have warned members to cease interjecting; I ask the same of people in the public gallery. This is an important issue and I will not hesitate to order that the gallery be cleared or members be removed from the Chamber if interjections continue. Regardless of their views on this subject, members will show respect to each other.

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [10.41 a.m.]: I make a contribution to the debate on this private member's bill, the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2), which is in the name of the member for The Entrance. In this Chamber I am being given an opportunity to vote for the first time by way of conscience on a bill that has raised strong debate both for and against its introduction. Some of the debate has been divisive, with strong commentary and information being provided to me on which to base my decision—from both sides of the debate. I am also cognitive of the fact that I am this day voting for the first time not on behalf of a specific interest of the Dubbo electorate but by way of conscience. Given that, I feel that any conscience vote I make deserves an explanation as to how I have arrived at that decision.

In relation to an overview of the bill, at present a person against whom a criminal offence can be committed does not include the foetus of a pregnant woman. Under the Crimes Act 1900, grievous bodily harm is defined to include destruction—other than in the course of a medical procedure—of the foetus of a pregnant woman, whether or not the woman suffers any other harm. Accordingly, proceedings can be instituted under the Crimes Act 1900 against a person who unlawfully causes the destruction of a foetus of a pregnant woman if the proceedings are brought for the offence of causing grievous bodily harm to the pregnant woman: for example, the offence of dangerous driving causing grievous bodily harm to a woman, under section 52A (3); or the offence of causing grievous bodily harm to a woman unlawfully or negligently, under section 54.

The object of this bill is to amend the Crimes Act 1900 to recognise the separate existence of the foetus of a pregnant woman that is of at least 20 weeks gestation as a living person, so that proceedings for certain offences relating to grievous bodily harm may be brought against an offender who causes the unlawful destruction of, or harm to, any such foetus as proceedings for grievous bodily harm to the foetus, rather than proceedings for grievous bodily harm to the pregnant woman. In the case of the unlawful destruction of a foetus of less than 20 weeks gestation, the bill retains the existing provision that enables proceedings to be brought for grievous bodily harm to the woman. The bill does not apply to anything done in the course of a medical procedure or to anything done by or with the consent of the pregnant woman that causes the destruction of or harm to the foetus.

So why are we having this debate? What is the real need for this amendment when current legislation, as we have heard from the member opposite, purports to exist that meets this demand and, in addition, has been articulated in two investigative reports: the Finlay report of 2003 and the Campbell report of 2010? Both reports said, despite the representations from the member opposite, essentially to do nothing. In addition, the strongly put argument against this legislation has been that the introduction of this amendment will have unintended consequences and expose either a woman, or expectant mother or a medical practitioner to liability under this law for a late-term abortion or due to an act by a woman that ultimately causes the death of her unborn child, and ultimately affect a woman's right to choose.

Essentially, this debate goes to the heart of defining or recognising a 20-week foetus as a "living person". The rationale for the introduction of this amendment is as follows, in simple terms. Under the New South Wales Births, Death and Marriages Registration Act 1995, a still-born foetus at 20 weeks gestation is required to be registered as a birth in New South Wales. The definition of "unborn child" in the bill is identical to the definition of "stillbirth" in the Birth, Deaths and Marriages Act. The Birth, Deaths and Marriages Act allows for the stillborn child to be given a name. This Act requires that stillborn babies are either cremated or buried. This Act requires a perinatal medical certificate of cause of death, known as a stillborn certificate. This Act requires the stillborn to be registered with the Registry of Births, Deaths and Marriages and provides for the issue of a birth certificate. And this Act, although not a legislative requirement, makes the mother eligible to receive the Commonwealth baby bonus.

I have heard the debate divert to one based on a question of morality and the impinging of a woman's right to choose. The member for The Entrance has introduced this bill not on the grounds of morality; he has introduced this very clearly defined and articulated legislation on the grounds of reality. I have reached my decision to support this bill. I do not believe the specific, considered and very carefully constructed legislation before us impinges on any moral argument but addresses in complementary legislation a need on the grounds of reality. What is that reality? The question is: Why do we need to amend legislation on criminal law in this manner? The Crimes Act was written in 1900; and since that time, as the world has changed and with it very challenging and complex changes to our societies, our laws need to move appropriately to be in balance with those changing needs.

The reality is that the bill does not have unintended consequences. It is worded precisely to exempt abortion—including the doctors, nurses or other medical professionals involved—or any act undertaken by the mother, or any act undertaken by another person with the mother's consent. This includes all medical procedures. In order to provide further surety and put an end to any concerns within the medical fraternity, it is my understanding that the member will be moving an amendment to include medical treatments. I am confident that this is not a slippery slope, as described by the Bar Association, and rebutted strongly by Sully, QC, Tobin, QC, Dawe, QC, and Smith, QC, in correspondence I have received. All matters relating to this bill are confined to the serious criminal act of an offender who takes away a woman's right to go the full term in her pregnancy, and therefore has my support.

The reality is that the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2) explicitly exempts all medical procedures. The bill cannot be any clearer. If it is a medical procedure, carried out by medical professionals, it is exempt; and this is highlighted by the pending amendment to be moved by the member in whose name this bill appears. A further concern, I understand, is that a woman who drinks and drives a vehicle resulting in an accident which ultimately causes the death of her unborn child will be liable to be charged under the proposed amendments. The woman is exempt under section 8A (4) (B) of the Act. The proposed amendment does not apply to anything done by or with the consent of the pregnant woman and therefore cannot and will not be charged under this law. [*Extension of time agreed to.*]

I referenced earlier two reports from Finlay and Campbell and I would like to speak to those. To be clear, the Finlay report undertaken by the Hon. Mervyn Finlay, QC, was entitled "The Review of the Law of

Manslaughter in NSW". This bill is not about manslaughter. Finlay's report recommended that the Crimes Act 1900 provisions concerning manslaughter should not be amended. However, he did recommend: first, New South Wales legislate to introduce the offence of child destruction relating to a criminal act causing a child, capable of being born alive, to die before it had an existence independent of its mother; secondly, the pregnant woman be excluded as a possible offender; and, thirdly, New South Wales legislate to provide for this offence of dangerous driving or navigation occasioning the death of a child capable of being born alive by appropriate amendment to sections 52A and 528. This bill honours those recommendations.

In line with these recommendations, this bill includes new section 52A (3) and (4) and section 52B (3) and (4) in its applicable offences. It does not affect the manslaughter provisions in the Crimes Act 1900 and also excludes the mother. Finlay's report, as mentioned, was specifically aimed at investigating manslaughter charges. It did not investigate or make any suggestion of the unique and common-sense approach taken in this bill. Campbell's report was simply to investigate laws and penalties surrounding the death of an unborn child in criminal circumstances. Campbell was unable to comment on, or address, the current law's ability to assist in the grieving process in circumstances of a criminal act. In relation to the provisions under Births, Deaths and Marriages Registration Act he stated:

It would seem that steps taken to assist the grieving process for some may have a different effect for others. This is not a matter about which I can make any useful recommendations.

Campbell's report, like Finlay's, did not investigate or make any suggestion of the unique and common-sense approach taken in this bill. We vote with our conscience and we are shaped by our experiences. In that regard, in my 22-year career in policing I have attended my share of horrific and fatal motor vehicle accidents, too many and too graphic to cite here today. But I can state here today that I truly understand the horrific nature of and appreciate better than many in this House the impacts and circumstances of that fateful Christmas Day in 2009. When I was a police officer I became aware also of a 14-year-old girl who was raped and fell pregnant. To abort or not was a reality she faced. It was not a moral choice; it was a not a choice that I or others should make for her. Only she had the right to choose to abort that pregnancy. In my view her circumstance was again not one of morality or an opportunity for others to impose a moral view but one of the circumstances of reality.

As a father of two children I can state that at 20 weeks gestation my daughter and son, whose sex was known to me, were then and there a part of my family, a part of me. I knew what I wanted them named; I knew what they were going to mean to me and I knew how excited I was to have them soon in my life. If they had been taken from me in circumstances like Zoe was, I would want the person responsible to be held to account in legislation that is reflected in this bill. As I eluded to in my inaugural speech, I am the older brother of twin sisters, Kim and Kathleen, but I grew up with just one sister after we lost Kathleen, who was stillborn when the placenta that sustained her with oxygen for reasons unknown stopped providing that vital source to her. Kathleen, although lost to our family in vastly different circumstances, like Zoe was named.

Kathleen was buried and I visit her grave in Moree at every opportunity I can. I put flowers on her grave and think of what my life would have been like had I had another sister as wonderful as the one I grew up with. Had Kathleen been taken from us in the same circumstances as Zoe was—and not for unknown medical reasons, as she was—I would also want someone as defined in this bill held to account. The tragic circumstances that have led us here today have been well articulated and for what it is worth I offer to Brodie Donegan and her partner, Nick Ball, who is in the Chamber, my wholehearted and belated sympathies. I commend the bill to the House.

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [10.54 a.m.]: I speak on the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2). I will make a brief but nonetheless considered contribution. Like many members, I have spent a great deal of time discussing, reading and reflecting upon the contents of this bill and also the events that have led to its development. I have had the opportunity to meet and speak personally with Brodie Donegan. I listened to her tragic story about how the irresponsible and criminal actions of one individual have caused her and her family to suffer untold heartbreak. I was struck particularly by her bravery, I was inspired by her commitment, and ultimately I was moved by her unwavering love for and dedication to a child she will never know. It is fair to say that unless we have been through something similar, I do not think that any of us in this Chamber can begin to understand what it feels like to lose a child in the way that Brodie Donegan and her family lost baby Zoe.

I have been blessed with the gift of parenthood. I have three beautiful children of my own: Brianna, Aidan and Kass. I love each of them deeply and I would do anything for each and every one of them. I am thankful for every day that I have with them and I cannot begin to imagine what it would feel like to lose a

single one of them. After meeting and talking with Brodie, and keeping these reflections in my mind about my love for my own children, I turn to examine the details of this bill. I read the submissions and heard advice from a range of different experts and organisations, including doctors, lawyers and family planning experts. In weighing up the arguments and probing my own conscience, I cannot ignore the concerns these people have raised. When looking at any piece of legislation, members of Parliament have a solemn duty to reflect upon its impact on the broader community.

A bill can seek to recognise a past injustice, and my conscience will always guide me towards supporting laws that effectively remedy such wrongs. But legislation can also have unintended consequences, and our duty must always be to weigh up the potential for such unintended consequences to inflict future wrongs and injustices upon others. Therefore, after listening to Brodie Donegan's tragic story, after reflecting upon the deep love I have for my children, after examining this bill and hearing from medical and legal experts, my conscience has led me to arrive at a very difficult decision. It is with regret that I say to the House I am unable to support this bill.

**Mrs TANYA DAVIES** (Mulgoa) [10.57 a.m.]: I address this private member's bill, the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2), and place on record up-front my personal support for the bill. The object of the bill is to amend the Crimes Act 1900 to recognise the separate existence of the foetus of a pregnant woman that is of at least 20 weeks gestation as a living person so that proceedings for certain offences relating to grievous bodily harm may be brought against an offender who causes the unlawful destruction of or harm to any such foetus as proceedings for grievous bodily harm to the foetus, rather than as proceedings for grievous bodily harm to the pregnant woman. In the case of the unlawful destruction of a foetus of less than 20 weeks gestation, the bill retains the existing provision that enables proceedings to be brought for grievous bodily harm to the woman.

I note that in new section 8A (1) and (2) of schedule 1 [2] to the bill, an unborn child that is taken to be a living person for the purposes of applicable offences is defined as a foetus of at least 20 weeks gestation or, if that cannot be reliably established, a foetus that weighs at least 400 grams. We are debating this bill today after a four-year journey by Brodie Donegan, who is in the public gallery, to receive justice for the unlawful destruction of her 32-week-old unborn child, known as Zoe. On Christmas day in 2009 Brodie Donegan was 32 weeks pregnant and she decided to take a walk to stretch her legs. Perhaps she was having a break from her active two-year-old daughter—a little quiet time. As the mother of a six-year-old daughter, I know what that is like. Unfortunately, just 20 metres from her home she was hit by a driver under the influence of methadone and valium. Brodie impacted the windscreen of the vehicle and it took more than three hours to extract her from the vehicle and airlift her to hospital. Despite the valiant efforts of the excellent medical team, Brodie's baby, Zoe, was delivered stillborn five hours after the accident. Brodie suffered multiple fractures to her spine, hips and foot, and also had a shattered pelvis and numerous other injuries.

However, the physical injuries sustained to Brodie were nothing compared with the loss of her baby, Zoe, who just 24 hours before the accident had received a glowing report at the antenatal check-up. The driver who caused this carnage was charged with dangerous driving causing grievous bodily harm to Brodie Donegan. Zoe was listed only as an injury to Brodie. The driver was sentenced to a non-parole period of nine months for the injuries inflicted on Brodie but could not be charged with an offence for her actions against Zoe. Since the incident Brodie and her partner, Nick, have campaigned for a separate charge within the Crimes Act 1900 that would recognise injury to an unborn child by a serious violent act, rather than it simply being noted as an injury to the mother.

The bill does not propose any new offence. It extends certain existing offences of grievous bodily harm to a foetus—an unborn child—of at least 20 weeks gestation or, if the period of gestation cannot be established reliably, that has a body mass of at least 400 grams. The bill provides for a clear developmental stage that a foetus needs to satisfy before it can be taken to be the victim of one of the specified offences of grievous bodily harm. In cases involving the destruction of the foetus outside the offences specified or where the foetus is less than 20 weeks, the charge will continue to be grievous bodily harm to the mother as under the current law. The Crimes Amendment (Zoe's Law) Bill 2013 (No. 2) acknowledges and protects a woman's right to choose to carry her pregnancy to full term and acknowledges her loss in the same scope as the requirements under the New South Wales Births, Deaths and Marriages Registration Act 1995. Under that Act a still-born foetus at 20 weeks gestation is required to be registered as a birth in New South Wales.

The definition of "unborn child" in the bill is identical to the definition of "stillbirth" in the Births, Deaths and Marriages Registration Act 1995. The Act allows a stillborn child to be named, it requires stillborn

babies to be cremated or buried, and it requires a perinatal medical certificate certifying the cause of death, otherwise known as a stillborn certificate. The Births, Deaths and Marriages Registration Act 1995 requires a stillborn to be registered with the Registry of Births, Deaths and Marriages and a birth certificate to be issued. Although not a legislative requirement, the mother is eligible to receive the Commonwealth's baby bonus paid as a bereavement bonus. However, despite the provision in existing legislation to register a stillborn child of at least 20 weeks gestation, under current legislation a person who commits an act that leads to the death of an unborn child cannot be held directly responsible for their actions against that unborn child. This situation exposes a real and significant gap in legislation for grieving parents. Zoe's bill seeks to bridge that bereavement gap.

As Ms Donegan said, "It's strange to plan a funeral for a baby (whose death) no-one is going to be charged for". This bill will give the courts the capability to bring a grievous bodily harm proceeding against an offender who causes the destruction of or harm to an unborn child of 20 weeks gestation or more in criminal or negligent circumstances. That will be significant recognition for grieving parents and an acknowledgement that they had a right to bring their child to full term and that right was stripped from them unlawfully. The bill will recognise that the woman's decision and desire to carry her child to full term is a right and any attempt to unlawfully terminate that right should be prosecuted as a criminal act. In recent weeks voices of opposition have rallied against the bill, and members have been lobbied to vote against it. People have stated that so-called "unintended consequences" will eventuate from the bill that could have serious repercussions for women's control over their bodies. They make this claim despite the bill explicitly exempting medical procedures or, "anything done by, or with the consent of, the pregnant woman concerned".

This bill has nothing to do with abortion. This bill is about protecting the rights of women to carry their child to full term. I ask those voices of opposition to Zoe's law to stand up for the rights of women who desire to carry their child to full term. I ask those voices of opposition to Zoe's law to advocate for the right of these women to bear children and enable them to fulfil that desire. Regrettably, voices of opposition have misinterpreted Zoe's law and as a result are misinforming members of this House. I am the mother of a six-year-old daughter. My partner and I have lost other children at around six or seven weeks gestational age and, although I do not wish to get personal, I put on the parliamentary record the real, long-term pain and grief felt by a mother and father who desire to bring forth children—who want a family—but who cannot fulfil that desire. The loss of our children was the result of medical issues. I cannot comprehend how an individual or couple could go through life knowing that that choice was taken from them by a person completely and wholly unconnected with them, who was under the influence of drugs, and who committed an irresponsible and selfish act. In response to the opposition to this bill, I draw the attention of members to new section 8A (4). As outlined clearly in the second reading speech on this bill, it states:

... these offences do not apply or have any relation to anything done in the course of a medical procedure, including medical treatment or anything done by or with the consent of the pregnant woman that causes harm to or the destruction of a foetus.

*[Extension of time agreed to.]*

Ms Donegan is on the record as being pro choice, and has stated, "To lose a child and then legally be told that she didn't count was heartbreaking." Ms Donegan has made it clear that this bill should not encroach upon a woman's right to choose. I respect her for taking that stance. I place on the parliamentary record my sincere thanks to the member for The Entrance, Chris Spence, for his advocacy on behalf of Brodie Donegan and Nick Ball. I commend and acknowledge the courage and tenacity of Brodie and Nick, who have travelled a tumultuous and heartbreaking journey to finally reach this day. I believe the overwhelming majority of our community stand in solidarity with Brodie and Nick in their quest.

All the correspondence I have received from my constituents has been in support of the bill. This personal tragedy can be turned into a real, positive measure that will support others in the future who may face similar circumstances. There is a gap in the current legislative framework that must be filled. A stillborn child can be named, they are required to be cremated or buried, they require a perinatal medical certificate or stillborn certificate, and the stillbirth is required to be registered. Yet under the Crimes Act 1900 a person who is responsible for the unlawful destruction of or harm to a foetus, as defined in this bill, is not held accountable for their actions. I respectfully implore members of this House to have the courage to right this imbalance. I respectfully implore members of this House to have compassion for these women and to give them the right to carry their child to full term. I urge members of this House to exercise their conscience and support Zoe's law. I commend the bill to the House.

**The SPEAKER:** Order! Before I call the member for Maitland, I remind members that they must seek the call if they wish to make a contribution to the debate.

**Ms ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [11.10 a.m.]: In speaking to the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2) I appreciate the opportunity that is afforded us today and the respect that members are showing in the debate. From the moment of confirmation of a pregnancy, the emotional bond with that potential life is indescribable. It is different for each individual and for every pregnancy. In a wanted pregnancy there is a tie much stronger than the umbilical cord that bonds the mother with her foetus. It is a bond that no-one else can understand. The foetus is dependent on the mother for its entire existence. If that potential human being is lost, whether through accidental or other means, that loss is profound. No-one can possibly imagine the grief experienced, and I certainly cannot begin to understand the grief of a mother who loses a foetus through the wilful or negligent actions of another. But it is our role as members of Parliament to put ourselves in the shoes of others and our communities. Our hearts go out to people such as Brodie, her partner, her family and others in similar circumstances.

There are opportunities for members of Parliament to consider issues deeply, and this is one of those opportunities. The serious nature of an offence committed through wilful or negligent action is reflected in our current laws. I understand that grievous bodily harm as currently defined in section 4 (1) of the New South Wales Crimes Act 1900 includes the destruction other than in the course of a medical procedure of the foetus of a pregnant woman, regardless of whether the woman suffers any other harm. The maximum penalty for this offence is 25 years imprisonment if there is intention to cause harm, 14 years imprisonment if in the company of another person or persons a person recklessly causes harm, and 10 years imprisonment if a person recklessly causes harm. I am deeply concerned about violence against women and about harm done to women. I spent much of my previous career working in that field. I certainly am concerned about violence against women that includes their foetuses, particularly in situations of domestic or sexual violence.

I acknowledge the pain and the loss that follows harm to or destruction of a foetus and the pain that has given rise to this bill. I congratulate Brodie Donegan and her family on their courage in articulating their circumstances. The object of the bill, however, is to amend the Crimes Act 1900 to recognise the separate existence of a foetus of a pregnant woman that is of at least 20 weeks gestation. For the first time the bill seeks to say that that is a living person so that proceedings for certain offences relating to grievous bodily harm may be brought against an offender who causes the unlawful destruction of or harm to any such foetus as proceedings for grievous bodily harm to the foetus rather than grievous bodily harm to the pregnant woman. The bill creates criminal offences relating to the foetus and gives the foetus the legal status of personhood. The bill states for the first time in New South Wales that a foetus is a person and it removes the link between a woman and her pregnancy from 20 weeks or when a foetus reaches the weight of 400 grams.

In 2010 the New South Wales Government appointed the Hon. Michael Campbell, QC, to review whether current provisions in the Crimes Act 1900 enabled the justice system to respond appropriately to criminal incidents involving the death of a foetus. He found that current provisions in the Crimes Act enable the justice system to respond appropriately to criminal incidents involving cases of pregnant women who are injured through criminal acts. I have an issue with the arbitrary nature of the definition of an "unborn child" in this bill. It is in line with the Birth, Deaths and Marriages Registration Act, which registers a stillbirth after 20 weeks. That affords an important opportunity to manage grief and to ensure that accurate record keeping is maintained, but that is the purpose of the Act. This bill adopts the definition for a different purpose. The bill is also arbitrary in that it recognises a foetus of 20 weeks but not a foetus of 19 weeks and six days. A foetus of 399 grams is not recognised. There is no difference to a mother carrying that foetus. However, the bill contains that arbitrary definition.

I acknowledge the efforts that have been made to ensure the bill does not encroach upon the rights of women to choose—I acknowledge Ms Donegan has said that—and to make sure that the rights of women in terms of medical intervention are not encapsulated in the bill. However, I believe the potential unintended consequences of the bill are deeply concerning. I think recognising a foetus as a person after 20 weeks sparks all sorts of legal and medical concerns. Despite the exemptions in the bill for medical procedures or anything done with the consent of the pregnant woman concerned, I believe the bill could have serious repercussions for women's control of their bodies. I wonder what "consent" means and where the legal profession will go with definitions of consent. I think about when I was 20 weeks pregnant and some of the things that I consented to in terms of sporting activities. I windsurfed, I went to the gym and I played netball—and I did all of those things by consent. However, in consenting to play netball did I also consent to being knocked over by someone who disobeyed the rules of a non-contact sport and potentially losing the foetus? Did I consent to that? Are there other grey areas in terms of consent? We have not explored that issue; we have talked about consent only in the context of what we know now. I think consent is difficult to determine and that unintended consequences may arise.

The New South Wales Bar Association raises legitimate concerns about the broader implications of the bill. It may be accepted that the bill is limited in its application to offences of grievous bodily harm and will not apply to offences of murder or manslaughter. However, the Bar Association believes the legislative acceptance of the principle on which the bill is premised—that a foetus that satisfies the definition of an unborn child is to be treated as a person under New South Wales criminal law—will very likely lead to further changes to the law. As the Bar Association points out, once legislation is enacted providing that an unborn child, as defined in the bill, is taken to be a living person for the purposes of some offences, it will be very difficult to resist making comparable changes to other offences, including murder and manslaughter.

Adopting the principle in this bill would have obvious implications for late-term abortions, notwithstanding the implicit limitations in the bill relating to medical procedures. As the Bar Association says, acceptance of the principle that some fetuses that satisfy the definition of an "unborn child" are to be treated as "persons" would necessarily call into question the "medical procedure" exception. The Bar Association asks: When can a medical procedure that is in the interests of the mother be permitted to harm, let alone result in the destruction of, what would then be another "person"? Equally, can a mother consent to the destruction of the foetus when what is occurring involves the destruction of another "person"? [*Extension of time agreed to.*]

If an "unborn child" within the meaning of that expression under this bill is to be treated as a "person" under some New South Wales criminal laws, it will be difficult to resist its adoption in respect of other New South Wales criminal laws. One would expect a bill on this subject to have the support of women's groups, which are particularly engaged on domestic violence issues. But that is not the case, and I wondered why. It is because those groups—they have raised the matter with me—are concerned about the broader implications of the bill. A broad range of women's groups who are engaged in supporting women who are victims of all sorts of violence, including the NSW Rape Crisis Centre, do not support the bill. Nor do the Australian Medical Association and a range of legal entities. Members have been given the opportunity to have a conscience, or free-choice, vote on the bill. At such times we are at our best. Members consider, listen and think—for themselves and for their communities—about what is important. We will respect each other's views. We will respect and understand where people are coming from. This is when we are at our finest. I acknowledge and respect the member for The Entrance for bringing this bill to the House. However, I am unable to support it.

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

**The SPEAKER:** Order! It being before 11.30 a.m., General Business Notices of Motions (General Notices) will be proceeded with.

## **MOTOR VEHICLE REPAIR INDUSTRY**

**Ms TANIA MIHAILUK** (Bankstown) [11.23 a.m.]: I move:

That this House:

- (1) Notes that preferred repairer policies of major insurers in New South Wales are causing concern for panelbeaters and the smash repair industry.
- (2) Notes reports of major insurance companies delaying payment of insurance claims and refusing lifetime warranties for customers who choose to remain with a panelbeater of their choice, rather than a preferred panelbeater of the insurer.
- (3) Calls on the Government to take action to ensure a fair and transparent smash repair industry.
- (4) Commends the Motor Traders Association of New South Wales Body Repair Division and its chairman Tod Sarina on taking a stand on behalf of the smash repair industry.

This is a matter of particular concern raised by many in the smash repair industry. A stalemate is making life extraordinarily difficult for many small business operators in that industry. Panelbeaters throughout New South Wales are being locked out of the industry by insurance companies that are giving preferential treatment to repairers on the basis of expense rather than the quality of repairs. This preferential treatment involves insurance companies directing consumers to their smash repairers or to one with which they are associated. Insurance companies are also using tactics such as delaying payment of insurance or prolonging the time that it takes to repair a consumer's vehicle in the event that the consumer chooses to go to an independent smash repairer.

The Motor Vehicle Insurance and Repair Industry Code of Conduct was introduced by the former State Labor Government in 2006. At the time it was supported by both sides of the House. Labor wanted to ensure that consumers were given a fair go, and that both repairers and insurers could work sustainably. It was considered that the best way for this to be achieved was to enforce in New South Wales the voluntary national



Motor Vehicle Insurance and Repair Industry Code of Conduct. So that code was mandated in New South Wales and is voluntary nationally. The code of conduct provides guidelines for both repairers and insurers. Under clause 4.2 of the code, in relation to insurers' dealings with repairers an insurer will:

- (b) not refuse to consider an estimate on unreasonable or capricious grounds;

The code also requires insurers to:

- (f) not knowingly ask claimants to drive unsafe motor vehicles for the purposes of obtaining alternative estimates.

The effect of these clauses in the Motor Vehicle Insurance and Repair Industry Code of Conduct is twofold. In the first instance, the act of insurance companies in refusing consumers the choice of a panelbeater for the sole reason that it is not on their preferred list is both unreasonable and capricious. It favours only the commercial benefit obtained by the individual insurance company rather than the interests of the consumer. Secondly, the code precludes insurance companies from asking consumers to drive their unsafe vehicle to another, preferred repairer. The crucial interest here is the safety of the consumer. This could become a secondary concern if the insurer demands the vehicle be moved to its preferred dealer.

Under section 54 (1) of the Fair Trading Act 1987, an insurer must comply with the Motor Vehicle Insurance and Repair Industry Code of Conduct. Non-compliance is a cause of action that is punishable by the mechanisms of part 6 of the Act. Last year the New South Wales Government began a review of the regulation of motor vehicles, seeking to combine the Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980 to regulate the industry and provide consumer protection within the industry. I note that a discussion paper was released and the Government received numerous submissions. While the Government is yet to respond to the submission, I note that the Motor Traders' Association of NSW submission states:

MTA strongly supports disciplinary measures to safeguard the general public in relation to the repair of damaged motor vehicles. Fines for corporations should apply, as it applies to other forms of non-compliance with similar penalties applies as in the Competition and Consumers Act 2010 and/or the Insurance Contracts Act.

Further, the Association strongly suggests that where complaints concern accident damage repairs and result in rectification orders being made, these orders should be recorded on a register, as recommended by the Stay Safe Committee Review 2005.

MTA urges that all of the applicable recommendations of the Stay Safe Committee Review of 2005 should be supported in legislation by this Act.

In contrast, the Insurance Council of Australia has virtually the reverse view. It stated in its submission to the same review:

The Motor Vehicle Insurance and Repair Industry Code of Conduct (the Code), which is voluntary on a national basis but mandatory in NSW under the Fair Trading Act 1987, exists to, amongst other things, provide dispute resolution mechanisms and regulate the training of repairers and loss assessors. It has been subject to a number of reviews, and in 2008, NSW Fair Trading concluded in its review that the Code was operating satisfactorily, had the support of the motor vehicle repair and industries, and did not need to change from its current form in NSW.

The Insurance Council went on to say:

We submit that the Code is working well. It provides adequate dispute resolution mechanisms which to date have not been utilised beyond the mediation stage, and supports sufficient training requirements for repairers.

But evidence suggests otherwise. In March the member of Hawkesbury and I attended a rally that was also attended by 400 smash repairers and panelbeaters along with the Motor Traders' Association. That suggested quite strongly that the code needs to be reviewed. Certainly, compliance surrounding the code requires review. I understand that since that date further discussions have taken place with a number of insurance companies, but that this ongoing issue has yet to be resolved within the industry. It is concerning to hear reports from the industry about some of the practices of insurance companies. Many reports from within the industry indicate that it is becoming untenable for a range of panelbeaters across New South Wales to continue to operate within the industry.

**Mr GLENN BROOKES** (East Hills) [11.30 a.m.]: I move:

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

"(3) Commends the Government for taking action to ensure a fair and transparent smash repair industry."

I share the concerns of independent smash repairers across New South Wales. Many of them have claimed that motor vehicle insurance companies push customers into networked smash repair schemes rather than give them a choice. While some insurance contracts do not provide a choice of repairer to the consumer, others do, and they should not be unduly influenced in their choice of smash repairer to fix their vehicle.

In 2012, the Liberal-Nationals Government commenced a review of the NSW Fair Trading legislation covering motor vehicles, which included the Motor Vehicle Repairs Act 1980 and the Motor Dealers Act 1974. The review sought comment on a proposal to combine the Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980 into a new consolidated Act. The Government also sought to cut red tape for business, to increase consumer protection and to make warranties consistent with the Australian Consumer Law, and to address any other issues stakeholders and the industry wanted to raise with the Government. The Government has examined all stakeholder comments made to the review and a bill will likely be introduced this session to establish a new combined dealers and repairers Act.

As part of the review, the relationship between smash repair businesses and insurers was raised with the Government. Many members have also individually raised this issue with the Minister for Fair Trading on behalf of local smash repair businesses in their electorates who are feeling the pinch. The Liberal-Nationals Government has already committed to reviewing the relationship between smash repairers and insurers. In regard to paragraph (3) of the motion, earlier this year the Minister for Fair Trading brought this issue to the attention of the Motor Vehicle Industry Advisory Council. The council is made up of representatives of the motor industry, including representatives of both repairers and insurers. As part of its role, the council provides the Minister with advice on issues relating to the motor trades.

The council has since been developing draft terms of reference to comprehensively examine the relationship between smash repairers and insurers. The Government is currently considering those draft terms of reference with a view to commencing a review shortly. All stakeholders will have the opportunity to make a submission to the Government review once it commences. The relationship between smash repairers and insurers is regulated by the Motor Vehicle Insurance and Repair Industry Code of Conduct. This voluntary code of conduct was established in 2006 and is administered by the Code Administration Committee, which is made up of an equal number of those representing insurers and repairers. In New South Wales the code of conduct is mandated through the Fair Trading Act 1987, which means that smash repairers must abide by the code in respect of insurance contracts.

Under the code of conduct, insurers and repairers agree to ensure that vehicle repairs are carried out in a professional manner and that the safety, structural integrity, presentation and utility of the vehicle are restored. The code of conduct also requires that any competitive estimation process used by insurers to select a repairer be transparent, and it provides dispute resolution processes. If an insurer or repairer has failed to comply with the code, a party to a dispute which has not been able to be resolved through the dispute resolution process can take court action under the Fair Trading Act for compensation or other orders against the party contravening the code of conduct. The code of conduct requires that the Code Administration Committee externally review the code every three years, and a review of the code is currently being completed by Executive Counsel Australia. I encourage smash repairers and insurers to contribute to this external review so that they can raise these important issues directly with those involved in regulating their businesses. The Government is acting to ensure that the relationship between insurers and smash repairers is fair and transparent, and that these small businesses are able to get on with the job of repairing our cars when we have an accident. The Government has moved the amendment to the motion for those reasons.

**Mr GUY ZANGARI** (Fairfield) [11.37 a.m.]: There are two important components to this issue. The first is local small businesses that provide smash repair and panelbeating services, which, like any small businesses, can be affected by the decisions of big corporations—corporations they either compete with or must work with. The smash repair industry is such an industry that is susceptible to the whims of big corporations. Large insurance corporations play an integral role in the industry. When people have accidents they contact their insurance company, or the insurance company of the at-fault driver, to lodge a claim to have their vehicle fixed. At that point the power of large insurance companies is at its most visible—a power that stems from the fact that it is the insurance company that will pay for the repairs.

The insurance company can give vehicle owners a choice as to who repairs their vehicle or it can impose a repairer on them. The former is the preferred method; whilst the latter is a contravention of

clause 4.2 of the Motor Vehicle Insurance and Repair Industry Code of Conduct. However, despite such regulations, large insurance corporations are placing impediments on vehicle owners making a choice. This, in turn, affects the smash repair industry because these small business owners are locked into a price-cutting war to win the favour of insurance providers. We have already seen the effect of the Woolworths and Coles duopoly on the viability of local farmers. If insurance companies continue to exert their market power and favour one repairer over another, these hardworking small business people located in towns and suburbs across New South Wales will be forced to engage into a cost-cutting war that makes their businesses untenable.

That will have an effect on the second component of this issue—that is, the consumers, who are reliant upon their insurance company to get their vehicle fixed. A race to the bottom ensues. A battle to offer the lowest possible price to attract the favour of big insurance corporations and their potential to draw in businesses will have an effect on the quality of the workmanship that consumers receive when taking their vehicles for repair. Often everyday consumers are not aware that they have a choice. It may be offered, but if a repairer is identified as a preferred repairer that suggests the operator has a good reputation. We have an obligation to protect the viability of small business. I thank the member for Bankstown for moving this motion. The member has heard and spoken to many in the smash repair industry, not only in Bankstown but throughout New South Wales, in preparing to move this motion. As such, I support the motion.

**Mr JAI ROWELL** (Wollondilly) [11.40 a.m.]: I am happy to support the motion and the amendment moved by the hardworking member for East Hills because the Government has been active in this area in close consultation with the Motor Traders Association, to which the motion refers. Members would be aware that the Government is in the process of reviewing the regulation of motor vehicle trades. The review aims to consolidate the current Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980, to cut red tape for business and to increase consumer protections. I understand that the review is also considering a number of additional concerns raised by stakeholders.

The increased vertical integration within the smash repair and insurance industries is a particular concern, as are the allegations made by some that the changes in these relationships are having an impact on the quality of smash repairs. If true, this is a safety concern for all road users—in fact, for the entire community. I am happy to say that on this issue the Government is not sitting on its hands. Already, New South Wales is the only State in the country that mandates the Motor Vehicle Insurance and Repair Industry Code of Conduct. This is done under the Fair Trading Act 1987. More recently, the Minister for Fair Trading has been charged with further reviewing the relationship between smash repairers and insurers.

The Motor Vehicle Industry Advisory Council, chaired by the former longstanding head of the Motor Traders Association, Mr James McCall, is playing an integral part in this process. I take this opportunity to thank the members of the advisory council: Lou Amato, who is a resident of Wollondilly—indeed, he is Deputy Mayor of Wollondilly Council as of last week and is doing a fantastic job—Peter Blanshard; Geoff Corrigan, a former member for Camden in this place; Peter Gouldie; Jack Haley; Deborah Joyce; Colin Long; Geoffrey Lowe; Graham McCraw; Vicki Mullen; Paul van der Weegen; and Cecilia Warren. Great representatives from across the entire spectrum of the industry are advising the Minister on these important issues.

In many ways, this motion pre-empts the outcome of the reviews. The council has worked to develop draft terms of reference to comprehensively examine the relationship between smash repairers and insurers. The Government will examine this work and formally commence a review as soon as possible. This Government is a friend of small business and the motor trades. The member for East Hills is a fantastic small business owner who has employed many people in his community over many years. He is well versed on what needs to be done across small business, and I commend him for that. I am happy to support the amended motion, noting that the Government is taking appropriate action to address the concerns identified.

**Mr JOHN WILLIAMS** (Murray-Darling) [11.43 a.m.]: In a past life I had a motor dealership, and part of that business was a crash repair shop. So I intimately know the circumstances that surround the preferred repairer status. The Insurance Australia Group Limited, known as IAG, which took in a range of insurance companies, decided that it would start regulating the crash repair industry. Some of its reasons for doing so were valid. No doubt people were ripping off the insurance group at that time. Ultimately, crash repairers were required to sign an agreement with the insurance group that set out a range of practices. Historically, when we repaired a car we went through an assessment process. After that process was

completed, we submitted a quote that took in standard repair times, which were fairly flexible, and the hourly rate, which was fairly low. The system probably needed some reform; it was not perfect but it was working reasonably well.

I did not sign up to the agreement. Small businesses made a commercial decision to sign up with IAG to become a preferred repairer; it was their decision. If repairers signed up to the agreement, they took on whatever IAG wanted to dish out to them. They then started doing desktop appraisals, where a photograph of a car was taken and sent to IAG, which then gave the repairer a budget for the repair. As it progressed, IAG decided that repairers would no longer supply the parts; IAG would supply them. As a result, all revenue streams available to repairers dried up. The organisation started to take over the running of repairers' businesses. I looked at some quotes and found that they were a licence to go broke. I employed four people in a panel shop, and I refused to accept the terms offered by the insurance group.

The repairers who did accept the terms got hurt and they blamed the Government. The Government did not do this; the insurance group made the offer and the repairers accepted it. Repairers could sign up or not sign up. If they chose to sign up they would go broke. I saw the conditions under which repairers had to work—they had absolutely no chance. I asked the head of IAG, "Who's going to repair your BMW when you have a prang, because there will be no-one left of any quality?" We were losing good-quality repairers who could not work in that environment and we were attracting people who cut corners and did everything possible to make a quid. It was a destructive force. I think IAG has reviewed its position and things are changing. The Government should not be blamed for this; it has had absolutely nothing to do with it. It was a commercial decision between IAG and repairers who wanted the work.

**Ms TANIA MIHAILUK** (Bankstown) [11.47 a.m.], in reply: I thank the member for Fairfield, the member for East Hills, the member for Wollondilly and the member for Murray-Darling for their contributions to the debate. I am rather surprised that an amendment has been moved. I would not have thought the motion was controversial. The Government closed submissions to the review of the Motor Dealers Act and the Motor Vehicles Act in July. The rally that took place, which the member for Hawkesbury and I attended, was held in March. Since the Motor Traders Association made its submission raising a range of concerns of which it would like the Government to be aware, a number of members have contacted me—the most recent was this morning—and said that they have not heard from the Government or representatives of NSW Fair Trading since that submission was lodged. I am a little surprised that members would want to highlight that on the record. The Government wants to pat itself on the back and commend itself when recent reports indicate that relationships between the Motor Traders Association, the NRMA and other insurers have deteriorated.

Anyone who contacts representatives of the Motor Traders Association would be made aware that relationships have deteriorated to such an extent that the Government must assist the industry, first, by ensuring that the code is actually complied with, secondly, by reviewing and making penalties stronger, and, thirdly, by ensuring that the dispute resolution mechanism available to the smash repair industry actually is assisting the parties to reach an amicable solution. At this stage, the advice I am receiving is to the contrary. So I will not be supporting the amendment. However, I imagine both sides of the House will support the motion in its commendation of the Motor Traders Association for the incredible work that it does. I think we are all on the same page in commending Tod Sarina and the new chief executive officer, Greg Patten, who took over from James McCall, and the entire executive for the work that they do to support hundreds if not thousands of smash repairers and panelbeater operators in New South Wales.

I take this opportunity to highlight that I do not agree with the comments made by the member for Murray-Darling. This is not simply about leaving this in the commercial domain. There must be ways to assist this industry. We all want a fair and transparent industry, because ultimately that is in everyone's interests—insurers, panelbeaters and consumers. If NSW Fair Trading can assist in that manner then it should do so. In my view, NSW Fair Trading would have every intention of trying to assist; but at this stage submissions have closed and things are sitting idle. So it is important that the Government get on with the job of trying to reach a solution that will assist all parties in this industry.

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

**The House divided.**

**Ayes, 58**

Mr Anderson	Mr Gee	Mr Piper
Mr Aplin	Mr George	Mr Provest
Mr Ayres	Ms Goward	Mr Roberts
Mr Baird	Mr Grant	Mr Rohan
Mr Barilaro	Mr Gulaptis	Mr Rowell
Mr Bassett	Mr Hartcher	Mrs Sage
Mr Baumann	Mr Hazzard	Mr Sidoti
Ms Berejiklian	Ms Hodgkinson	Mrs Skinner
Mr Bromhead	Mr Holstein	Mr Smith
Mr Brookes	Mr Kean	Mr Souris
Mr Casuscelli	Dr Lee	Mr Spence
Mr Conolly	Mr Marshall	Mr Stokes
Mr Constance	Mr Notley-Smith	Mr Ward
Mr Cornwell	Mr O'Dea	Mr Webber
Mr Coure	Mr O'Farrell	Mr R. C. Williams
Mrs Davies	Mr Page	Mrs Williams
Mr Doyle	Ms Parker	
Mr Elliott	Mr Patterson	<i>Tellers,</i>
Mr Flowers	Mr Perrottet	Mr Maguire
Mr Fraser	Mr Piccoli	Mr J. D. Williams

**Noes, 19**

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

**Pairs**

Mr Edwards	Ms Burton
Mr Humphries	Ms Hay
Mr Toole	Mr Hoenig

**Question resolved in the affirmative.**

**Amendment agreed to.**

**Motion as amended agreed to.**

**BUSINESS OF THE HOUSE****Postponement of Business**

**General Business Notice of Motion (General Notice) No. 2554 called on and postponed on motion by Ms Tania Mihailuk.**

**CENTRAL COAST YOUTH PROJECTS**

**Ms TANIA MIHAILUK** (Bankstown) [12.03 p.m.]: I move:

That this House:

- (1) Notes that funding for youth projects on the Central Coast under the Community Building Partnership grants has declined since 2010.

- (2) Notes that more than \$300,000 of infrastructure funding for youth services in Gosford and Wyong has been cut since the 2011 general election.
- (3) Condemns the Government for failing to invest in Central Coast youth.

Today I speak on funding that has been cut for youth projects on the Central Coast by the New South Wales Coalition Government under the leadership of Premier Barry O'Farrell and under the stewardship of the Liberal members for the electorates of The Entrance, Gosford, Wyong and Terrigal. I note with severe disdain and disappointment that the New South Wales Government has failed to invest in the youth of the Central Coast through the Community Building Partnership grant allocations. Funding for these vitally important projects on the Central Coast has decreased every year since the current Government came to office. Grant allocations dramatically declined from 2010-11, they declined once again in 2012, and the level of funding has not increased in 2013.

In monetary terms I note that more than \$300,000 of infrastructure funding specifically for youth services in Gosford and Wyong has been cut since the March 2011 election. In 2010 the then Labor Government and Labor members for the electorates of Wyong and Gosford invested just under \$700,000 in infrastructure for specialised youth services, schools and youth sports. In 2011 the Coalition Government slashed these funds by almost half to \$370,000. In 2010 the former Labor Government invested \$2.6 million through the Community Building Partnership program on the Central Coast. In 2011 the O'Farrell Government slashed that amount to \$1.4 million. In 2009 Gosford received \$400,000 for 22 projects under the Community Building Partnership program. In 2012 Gosford received \$300,000 for only 18 projects.

One would think that having four State Liberal Party members on the Central Coast, including the "great" member for Terrigal, would see an increased not decreased investment in our youth. I place on record that they have had a negative effect on the Plan-It Youth Hunter and Central Coast mentoring program, which will receive no funding from the State Government after 2013. This vital community institution helped to mentor year 10 and year 11 students at risk of leaving high school on future life career and study options. In May last year the Plan-It Youth Program organisation was told of the State Government's decision to cut its youth mentoring program. This is despite the program helping more than 3,500 students over the past decade. The Plan-It Youth Program was initially an independent program that began in the Hunter-Central Coast region in 1999. The Department of Education and Training then took it over and rolled it out statewide. A 2007 report into the program to the New South Wales Department of Education and Training found it helped increase attendance and "creates a sense of purpose about schooling and its relevance". Cutting this program is just another slap in the face to the young people on the Central Coast.

With the Government's announcement of a new train timetable it has become clear that the Coalition has broken its promise to run trains direct from the Central Coast to Macquarie University. Recently I spoke in this House about the fact that a number of young people rely on universities such as Newcastle and Macquarie to obtain tertiary qualifications. We have not heard anything from those four Central Coast members on the other side about an attempt to lobby the Minister for Transport to reverse that decision. Central Coast students who wish to attend Macquarie University will have to travel at least three hours every day. I ask all members to support my motion. The figures I have outlined with respect to the Community Building Partnership program are clear, and the four members representing the Central Coast—the four boyz of the Central Coast—would clearly see that funding is being reduced for young people in their region. As the shadow Minister for Volunteering and Youth, on a number of occasions I have visited the Central Coast and spoken to various organisations. We do not hear from the local members opposite about lobbying the Government for additional funds for the Community Building Partnership program and supporting youth programs on the Central Coast. I ask that the House support this motion.

**Mr DARREN WEBBER** (Wyong) [12.09 p.m.]: It would come as no surprise that we oppose the motion. As a member who actually represents a Central Coast electorate, it is a pleasure for me to talk about the area. The shadow Minister for Volunteering and Youth is erroneous as to several issues. First, I will talk about Community Building Partnership grants. I would never break the confidence of the party room but it has been well reported in the Sydney media that I am a strong supporter of the retention of the Community Building Partnership program. It is now a recurrent program, and I will talk about recurrent in a language that Labor members might understand. If the Health Services Union gave \$100,000 to a Labor candidate as a once-off payment, it is a once-off allocation of funding. But if the Health Services Union gave a Labor candidate a credit card and paid the bill every month, it is recurrent funding that the Labor candidate could rely on month to month. The Community Building Partnership program was not recurrent when the Opposition was in government. When the Liberals and Nationals came into office it had not been locked in for the future. This Treasurer and this Government have locked it in.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Bankstown will come to order.

**Mr DARREN WEBBER:** I am not sure if those opposite are upset by the facts or the fact that I have mentioned the Health Services Union. If Opposition members could be bothered to read the budget papers, they would realise that in the last 2½ years the Community Building Partnership program has become a recurrent program, to which \$90 million will be allocated in the budget over the next four years. The motion today specifically talks about youth, as did the shadow Minister for Volunteering and Youth. I advise the House that Community Building Partnership grants are for the whole community. Community is all encompassing and does not exclude youth.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Bankstown has made her contribution and was heard in silence.

**Mr DARREN WEBBER:** I am not sure how it works in Bankstown, but the Central Coast community, a large community that is proud of its region, voted Labor out in the 2011 State election, and it did so again at the recent Federal election. Labor is in the minority in local government as well. All three tiers of government have little, if any, Labor representation and there is good reason for that. The boyz of the Central Coast, as the shadow Minister referred to us—

**Ms Linda Burney:** Point of order: Pursuant to Standing Order 76, I ask that the member return to the leave of the motion.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Wyong is being relevant to the motion before the House. There is no point of order.

**Mr DARREN WEBBER:** I do not understand why the member for Bankstown has raised this issue given she has so little connection to the Central Coast. The member said that she had visited community groups on the Central Coast. One community group I would particularly like to mention is Camp Breakaway. If the member had bothered to look, she would see that Camp Breakaway received \$19,496 from the Community Building Partnership program from me. This community group, which has just celebrated its thirtieth anniversary, provides holidays and camps for families with autistic children or children with mental and physical disabilities. For 30 years this community group has been operating at San Remo and not once did a Labor member—and prior to me every member for Wyong was a Labor member—or a Labor Government allocate funding to this community group, which specifically caters for youth with challenging needs on the Central Coast. For the first time in its proud 30-year history, the first Liberal member for Wyong has facilitated funding for it under the Community Building Partnership program. And following that allocation from the Community Building Partnership program, the former Minister presented a \$200,000 cheque.

The Government has allocated a quarter of a million dollars for youth in need on the Central Coast to a group that runs off the smell of an oily rag and relies completely on community donations. In the past, this group had not received any funding from any tier of government. In our first two years of Government and with the first Liberal member representing Wyong, this community group receives a quarter of a million dollars. Yet the shadow Minister for Volunteering and Youth talks about how the boyz of the Central Coast are not looking after youth on the Central Coast. That is a slap in the face to the four democratically elected members who represent electorates on the Central Coast. The four Central Coast members were elected overwhelmingly by the community. For 30 years the hardworking volunteers at Camp Breakaway received no support from the party that purports to support the small guy: That is an absolute joke.

I will refer to the groups that focus on youth services in the Wyong electorate that have received funding since I was elected. Berkeley Vale Soccer Club received \$37,915 and the Girl Guides Association of New South Wales, Wyong, \$9,526. St Mary's Catholic Primary School received \$25,000 for an outdoor fitness playground for children. Toukley District Cricket Club received \$40,000; Warnervale Rugby Union Club, \$16,000; Wyong Cricket Club, \$32,000; Wyong Preschool Kindergarten, \$16,000; and the YMCA of Sydney, \$42,000. Camp Breakaway received \$30,000 in its second allocation of Community Building Partnership funding. The Girl Guides received a further \$23,000. Life Education NSW, which provides services across the Central Coast and in particular in the Wyong electorate, received \$4,750. The Scouts received \$40,000, and Soldiers Beach Surf Club, of which my predecessor is a member, \$13,645. Youth Connections, another community group specifically servicing youth in my electorate, received \$50,000. I take offence to the slur made by the shadow Minister for Volunteering and Youth towards all four democratically elected members who represent electorates on the Central Coast. I look forward to further contributions to this debate, and I oppose the motion.

**Ms LINDA BURNEY** (Canterbury) [12.16 p.m.]: I speak in favour of the motion moved by the member for Bankstown, and I do so as the shadow Minister for the Central Coast. For the education of those opposite, I will take a minute to inform them about the establishment of the Community Building Partnership program and the dramatic reduction in funding under the O'Farrell Government. The Community Building Partnership program, which began in 2009, provided funding of \$300,000 to electorates that were not demographically disadvantaged and \$400,000 to electorates that were disadvantaged. Regardless of what those opposite say, there has definitely been a reduction in the amount of funding from the Community Building Partnership program. In fact, in 2010 in the mini-budget the Community Building Partnership program allocations were \$700,000 for disadvantaged electorates and \$600,000 for electorates not so economically disadvantaged. The member for Wyong claimed that it was not a recurrent program. It started in 2009 and has continued every year to now. It was not a one-off program, as the member suggests, otherwise it would have only operated for one year. I also want to put on the record that the member for Wyong did not allocate the money.

**Mr Darren Webber:** Facilitated.

**Ms LINDA BURNEY:** You did not say that. You said the money came "from me". The role of members of Parliament is to make recommendations and the Premier's department makes the final decisions about those recommendations. I place those facts on record to ensure we have a balanced debate on this issue. It is important to understand that the Hunter and the Central Coast in particular are challenging areas in many ways. They have very large youth populations and very high unemployment and there are extreme pockets of disadvantage in both areas. The shadow Minister for Volunteering and Youth referred to the decrease in funding for youth programs, particularly on the Central Coast, under the Community Building Partnership program. That fact cannot be argued. As the shadow Minister said, the Hunter Central Coast Mentoring Program, which has helped 3,500 students, has been told it will receive no funding from this program. That suggests to me that there has been a reduction not only in the overall amount available from the Community Building Partnership program but in the overall amount of money going to youth services on the Central Coast. This is a graphic example of the reduction in Community Building Partnership grants funding to the Central Coast for youth services.

**Mr CHRIS HOLSTEIN** (Gosford) [12.20 p.m.]: It gives me pleasure to remind the Opposition and this House that the Community Building Partnership program continues under this Government. The continuation of the program was outlined by the Treasurer back in May 2012 and it has been included in the 2012, 2013 and 2014 budgets. In fact, \$90 million has been allocated in the budget to the Community Building Partnership program over the next four years from 2012-13 to 2016-17. This is the first time the program has been made recurrent. I correct the member for Canterbury when she said that the Labor Government started it and that it was recurrent under it. That is incorrect. The previous Government ran it for one year and the second year was a great case of pork-barrelling when it increased the amount of money in an attempt to try to save the sinking boat called the New South Wales Labor Party. That is what it did in the second year.

**Ms Linda Burney:** Everybody got the same amount.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Canterbury will resume her seat.

**Mr CHRIS HOLSTEIN:** It is the Coalition Government that has made this program recurrent, and what a great job we are doing with it too.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Canterbury will resume her seat.

**Mr CHRIS HOLSTEIN:** I will talk to the motion, unlike the mover of the motion. The member for Bankstown went off on a tangent and started talking about education.

**Ms Tania Mihailuk:** Paragraph (3) condemns the Government for failing to invest in Central Coast youth. The member should read the motion.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Bankstown will come to order.

**Mr CHRIS HOLSTEIN:** Then she brought trains into the argument. Her comments had absolutely nothing to do with the motion. I will talk to the motion which relates to the Community Building Partnership program and the benefits it has provided to the youth on the Central Coast. The member for Bankstown referred to 14 programs in 2011, eight of them relating to youth.



**Ms Linda Burney:** Calm down.

**Mr CHRIS HOLSTEIN:** In 2012 we funded 18 projects, 12 of them relating to youth in our area. The motion is totally incorrect, it is a fairytale.

**Ms Tania Mihailuk:** You have not cut funds?

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Bankstown will come to order.

**Mr CHRIS HOLSTEIN:** The members opposite should note the organisations that we have supported through the Community Building Partnership program. I doubt that they could even find their way to these organisations on the Central Coast, so rarely have they ever been there. The organisations that have been assisted are Central Coast Family Support Services, the Church and Community College, the New South Wales Guides Association, the Blackwell girl guide hall, the Gosford Netball Association, Kariong Mountains Cricket Club and Regional Youth Support. Regional Youth Support should be known to those opposite as it has operated for many years and does wonderful work for youth on the Central Coast, particularly in the Gosford area. When I was in local government I was a member of the board.

I will not stop there. Let me talk about Employment and Training Australia, which has upgraded the Parkside multipurpose youth facility. It received \$20,000 under the previous year's program for that project. I also mention Gosford City Council, which assists youth with sports upgrades such as the Adcock Park velodrome program and has benefited from this program. Regional Youth Support Services for a second year received funds for its youth services sustainability project. The Umina Beach Police Citizens Youth Club—I am sure those opposite would not be able to find their way there—is a great facility that does great work. If members want to hang around, later I will be making a private member's statement about a young gentleman from that club who has achieved world status. If they come along and listen, they will learn something. The Umina Tennis and Sporting Club and Umina United Soccer Club have received funding. All these organisations have gained benefits through the Community Building Partnership program and under the Coalition Government they will continue to receive this support. The motion is a furphy. It is not relevant and I do not support it.

**Mr CLAYTON BARR (Cessnock) [12.24 p.m.]:** I support the member for Bankstown and the motion she has brought to the House today. I appreciate that the Community Building Partnership program has been a topic of much debate today. The fact is that the funding that has been available historically under the previous Labor Government is no longer available in the same quantities.

**Mr Chris Holstein:** Pork-barrelling.

**Mr CLAYTON BARR:** The member for Gosford talks about pork-barrelling. My advice to the member for Gosford is if he is not happy with the money to send it back. He can make out a personal cheque and give the money back. I am sure that the Treasurer would be happy to have that money back. Other than that, he could just say thanks. Under the Labor Government 68 programs on the Central Coast were being funded. Local media reports today would suggest that number is now closer to 40.

**Mr Darren Webber:** Replicating.

**Mr CLAYTON BARR:** Sorry?

**Mr Darren Webber:** Groups combining is far better than replicating administration costs.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! I remind the member for Cessnock to direct his comments through the Chair.

**Mr CLAYTON BARR:** I acknowledge the interjection of the member for Wyong.

**Mr Darren Webber:** In full.

**Mr CLAYTON BARR:** I acknowledge the fact that he used the term "replicating". In essence, the intent of the interjection was to justify the decisions of his Government to fund fewer programs on the New

South Wales Central Coast. Under the former Labor Government, there were 68 important and useful programs being funded on the Central Coast and there is nowhere near that number being funded by this Coalition Government.

**Mr Chris Holstein:** Point of order: My point of order is relevance. The motion is about the Community Building Partnership program. The member for Cessnock has strayed from the motion.

**ACTING-SPEAKER (Ms Melanie Gibbons):** The member for Cessnock is referring to the Community Building Partnership program. There is no point of order.

**Mr CLAYTON BARR:** I appreciate that it might be sensitive or a sore point for those opposite. One of the responsibilities of a democratically elected representative in this Chamber is to fight for your community. Sometimes that might mean being at odds with your team, in this instance, the Liberal Coalition Government. But it is very important from a community sense that local members are seen to be fighting for the needs of their community first and foremost. Members need to understand that, first and foremost, we are elected to the Legislative Assembly by our community. If we are not elected, it is completely irrelevant which team we are on. I draw the attention of the House to the Plan-it Youth Program which has had its funding cut. The Plan-it Youth Program was also an incredibly successful program in the electorate of Cessnock at West Wallsend High School or in the West Wallsend community. A great number of success stories have come from Plan-it Youth. While I am not particularly familiar with the Plan-it Youth—

**Mr Darren Webber:** Point of order: My point of order is relevance. West Wallsend is not located on the Central Coast. I would ask that the member be drawn back to the motion.

**ACTING-SPEAKER (Ms Melanie Gibbons):** Order! The member for Cessnock is being relevant to the motion before the House. There is no point of order.

**Mr CLAYTON BARR:** The members opposite should allow me to finish my sentence. I was going to say that although I have not spoken to those who have participated in the Plan-it Youth Program on the Central Coast, as a similar program runs in my electorate I am aware of the program and the great benefits it provides to youth. It is important for the local members to acknowledge that 25 per cent of the population on the Central Coast is under the age of 18 and that they must fight harder and louder for the needs of the youth on the Central Coast.

**Ms TANIA MIHAILUK** (Bankstown) [12.28 p.m.], in reply: I thank the member for Canterbury and the member for Cessnock for their fine contributions to the debate. I also acknowledge the contributions of the member for Gosford and the member for Wyong.

**Mr Darren Webber:** We were kind.

**Ms TANIA MIHAILUK:** There was a distinct difference. The member for Canterbury raised a significant issue when she pointed to the fundamental failure by the member for Wyong to understand how the Community Building Partnership program operates. It is sad that the member chose to take full credit for the allocation of Camp Breakaway funding of just under \$20,000. We must understand how the program operates; how funds are allocated across electorates and how decisions are made to accommodate the many groups and associations that will apply for funding each year in the hope of redirecting it to a range of programs and projects that they believe will benefit the region best. The member for Gosford was incredibly passionate—there is no doubt about that. In fact, I was a little concerned about him. But if Camp Breakaway is the only organisation for young people that the member for Wyong has helped to fund in the past two years—

**Mr Darren Webber:** Point of order: The member for Bankstown had left the Chamber when I listed a range of groups that received funding under the Community Development Employment Projects program. If she had remained in the Chamber she would have heard the full list.

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

**Ms TANIA MIHAILUK:** I reiterate that there have been some huge cuts to the program. I acknowledge what the member for Cessnock said in relation to the number of young people on the Central Coast and the pressures on young people living in a regional area. Their needs may be different from those of young people in major metropolitan areas. Given the numbers the Taliban has in the Liberal Party, those opposite have the opportunity to sit down with the Treasurer, Mike Baird, and say, "We want more money allocated to this

particular program. We want to go back to the funding the Labor Government allocated when it initiated this program to support our electorates." If they did so, they would be able to reinstate the \$1.4 million that the Central Coast has been denied in the past two years. It could have been \$2.8 million; it is now \$1.4 million.

**Mr Darren Webber:** One little pork barrel.

**Ms TANIA MIHAILUK:** It was recurrent funding. The member for Canterbury made it clear that the Labor Government wholeheartedly supported the program and would have provided funding every year. Barry O'Farrell wanted to can the entire program outright, so obviously somebody in the Coalition at least managed to convince him not to remove it entirely. There is no doubt the program has been cut, and areas such as the Central Coast are feeling those cuts. As much as the member for Wyong and the member for Gosford seek to justify the Government's decision, they cannot—and they know it. [*Time expired.*]

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

**The House divided.**

**Ayes, 18**

Mr Barr	Dr McDonald	Ms Watson
Ms Burney	Ms Mihailuk	Mr Zangari
Mr Daley	Mr Parker	
Mr Furolo	Mrs Perry	
Mr Greenwich	Mr Rees	<i>Tellers,</i>
Ms Hornery	Mr Robertson	Mr Amery
Mr Lynch	Ms Tebbutt	Mr Lalich

**Noes, 57**

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

**Pairs**

Ms Burton	Mr Dominello
Ms Hay	Mr Humphries
Mr Hoenig	Mr Issa
Mr Park	Mr Owen

**Question resolved in the negative.**

**Motion negatived.**

**NEWCASTLE INNER-CITY BYPASS**

**Ms SONIA HORNER** (Wallsend) [12.44 p.m.]: I move:

That this House:

- (1) Notes that the completion of the Hunter Expressway is imminent.
- (2) Notes that this new expressway will result in more cars travelling on Hunter roads and makes funding the Newcastle Inner-city Bypass urgent.
- (3) Urges the Minister for Roads and Ports and the Treasurer to ensure that the 2013 budget funds the planning and building of the Newcastle Inner-city Bypass Stage 5.

Our community agrees that the Newcastle inner-city bypass is an important Hunter road connecting the Pacific Highway at Bennetts Green with its Sandgate section, improving traffic flow in Newcastle's inner western suburbs and allowing motorists to avoid busier urban and suburban roads. It is an essential part of Newcastle's infrastructure development, but two major sections are yet to be completed. Though the former Labor Government provided the lion's share of funding for completion of the Sandgate to Shortland section—which is stage 4—the O'Farrell Government has allocated \$30 million, which falls well short of the funding needed to complete it. With an expected cost of \$143 million and expenditure of \$104 million prior to the recent budget, the project still has a funding shortfall of about \$9 million. Further, the O'Farrell Government has failed to allocate any funding in the 2013-14 budget to the section from Rankin Park to Jesmond. On behalf of Hunter commuters I have been actively lobbying the Minister for Roads and Ports and the O'Farrell Government, earnestly arguing for funding for the completion of the Newcastle inner-city bypass, especially stage 5.

Unfortunately, some of the Liberal members from the Hunter have remained silent. This lack of funding is a monumental oversight and showcases just how little the O'Farrell Government cares about the transport and infrastructure needs of Newcastle's inner western suburbs. I cannot help but notice that \$92 million has been set aside for the Justice Precinct in the inner city and \$10 million for an investigation into light rail in the inner city. I also see the exorbitant amount of money being spent on removing the rail line between Wickham and the Newcastle terminal—more than \$340 million. What about the western suburbs? What about the tens of thousands of people who live in my electorate and who are forced to contend day-to-day with an overly busy, congested road? This Government is ramming through the sale of our region's most vital public asset, the Port of Newcastle, which is set to raise about \$700 million—and many agree that is a bargain basement price. Of that \$700 million, Newcastle is set to receive only a portion—about \$340 million. Almost all of the proceeds of the sale will be spent on the inner city.

This Government likes to gloat about how it is spending money on Newcastle. Where is the Glendale police station that was promised in 2010 by the then shadow Minister for the Hunter, Michael Gallacher, who is now the Minister for Police and Emergency Services? Where is the money for stage 5 of the inner-city bypass? The preferred route for the proposed section runs about 3.4 kilometres and would greatly relieve congestion on one of Newcastle's busiest roads, including Lookout Road and Croudace Street, which runs from near the University of Newcastle, past John Hunter Hospital and continues on in the direction of Warners Bay and Charlestown Square, joining with a section of the bypass previously completed by the Labor Government. Anyone who has travelled on Lookout Road or Croudace Street at 5.15 p.m. can attest to just how gridlocked those roads are.

A link from Jesmond to Rankin Park would direct a lot of cars around nearby residential areas, reducing drive times and traffic congestion, and potentially reducing the risk of accidents. Croudace Street, the current main arterial road in the area, runs past a busy primary school. The lights at the intersection of Newcastle Road and Croudace Street create a classic traffic bottleneck. The construction stage of the inner-city bypass could alleviate all these problems and would finally complete the ring road that has been promised to the people of Newcastle for far too long. I also point out to the House that the NRMA has put the Newcastle inner-city bypass on its Hunter priority list. I am very pleased to see that the NRMA also considers the completion of this stage of the road to be a priority.

The corridor, which has been earmarked by Roads and Maritime Services, delivers the best connectivity with the existing road structure, largely avoiding the risks posed by mine subsidence and, crucially, will have a low impact on George McGregor Park. The preferred route has been set aside by Newcastle City Council's local environmental plan, preserving the corridor for the future link. Submissions were received five years ago and plans were finalised, yet there is no money in the budget to begin work. The Jesmond to Rankin

Park section of the Newcastle inner-city bypass is all dressed up with nowhere to go, so to speak. I urge the Government to turn its attention to the western suburbs, improve the quality of life for Hunter commuters and commit to funding this important infrastructure project in the next budget, if not sooner.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! For the information of members, the electoral boundary redistributions have been uploaded. Members may wish to see their new boundaries—if they still have them. I wish them all the best.

**Mr ANDREW CORNWELL** (Charlestown) [12.50 p.m.]: The Government opposes the motion. The New South Wales Government has allocated \$320.7 million for roads across the Hunter region as part of the 2013-14 New South Wales budget. The Government is also funding the Hunter Infrastructure and Investment Fund in the amount of \$350 million. A significant proportion of these funds will be allocated to road projects. It is clear that the New South Wales Liberal-Nationals Government is providing the funds necessary to deliver the infrastructure that the Hunter region needs so desperately. Councils in the Hunter will also share in almost \$18 million to help maintain local road networks. Much of this is thanks to terrific local members such as the buccaneering member for Newcastle, the member for Swansea and the member for Port Stephens, who have been advocating for the necessary funds to upgrade infrastructure that was neglected by the Labor Government for 16 years.

The Newcastle inner-city bypass is a longstanding proposal to provide for north-south traffic movements and distribution within the Newcastle urban area. Three sections of the Newcastle inner-city bypass are already complete and one section is currently well under construction. A route has been identified for the remaining section, stage 5, from Jesmond to Rankin Park. Roads and Maritime Services is currently constructing stage 4, the \$143 million Shortland to Sandgate section, which will bypass a lower-standard section of existing roads, with which many of us are all too familiar. Roads and Maritime Services expects the Shortland to Sandgate project to be opened by the end of 2013, weather permitting. The completion of the Shortland to Sandgate section will deliver a continuous four-lane road along the entire length of the Newcastle inner-city bypass route. The work will link the Newcastle inner-city bypass to the Pacific Highway about 300 metres north of the Sandgate cemetery, where a new intersection on the highway will be controlled by traffic lights.

The project includes the construction of five bridges, a new roundabout and access ramps at the Sandgate Road intersection. Extension of the bypass will improve access between the developing western parts of Newcastle, regional produce markets and the Port of Newcastle. Stage 5 is the 3.6 kilometre section between Rankin Park and Newcastle Road, Jesmond, which will bypass the existing heavily used four-lane link between Rankin Park and Jesmond. Roads and Maritime Services has advised that in 1986 a preferred route was adopted for this section of the bypass and the corridor was reserved for future road purposes in Newcastle City Council's local environmental plan. The location of that preferred route is now no longer feasible due to the expansion of John Hunter Hospital and the growth of traffic along Lookout Road. Roads and Maritime Services undertook a route options study to identify a new route between Rankin Park and Jesmond, including the connection of the bypass to Lookout Road around McCaffrey Drive, and to assess the potential for western access to John Hunter Hospital.

Four route options were investigated, but only one option was considered feasible and able to provide the best overall balance between functional, geotechnical, engineering and economic considerations. The feasible option allows for access to John Hunter Hospital. The new route corridor has been identified and is protected from development by Newcastle City Council's local environmental plan. I am advised that when John Hunter Hospital was expanded the then Roads and Traffic Authority took the opportunity to replace the roundabout at the entrance to the hospital with traffic lights to reduce traffic congestion. The Government's priorities for the Hunter are outlined in the regional action plan and are being considered during the development of the Hunter Regional Transport Plan. In formulating the plan, stage 5 of the Newcastle inner-city bypass will be considered on its merits, along with other projects across Newcastle and the Hunter Region. Thank you, but I am afraid the Government must oppose the motion.

**Ms ANNA WATSON** (Shellharbour) [12.54 p.m.]: I support the motion moved by the member for Wallsend. At the outset, I indicate that it is disturbing that the Government is opposing the motion. The broader Hunter constituency should be greatly disturbed by the Government's opposition. I note that the Hunter Expressway is nearing completion. Accordingly, the Minister for Roads and Ports and the Treasurer must commit the funds for planning and construction of the Newcastle inner-city bypass, stage 5, as a matter of urgency. In its budget submission to the New South Wales Government, the NRMA stated:

The link between the Pacific Highway at Windale and the Pacific Highway at Sandgate would provide an orbital road to link Newcastle's radial network. Three of the five major sections have now been completed. The two remaining to be constructed are Stage 4: Shortland to Sandgate, which is nearing completion, and Stage 5: Jesmond to Rankin Park, for which a preferred route has been identified and is currently being finalised. When completed, the bypass will alleviate the current and potential congestion bottlenecks in and around Newcastle.

In its 2012-13 Budget, the NSW Government committed \$25 million for Stage 4. NRMA understands that the remaining bridge works at the Sandgate end of this corridor are due for completion in this calendar year.

The preferred route for the Stage 5 Jesmond to Rankin Park will be a four-lane dual carriageway, 3.4 kilometres in length and include:

- A grade separated interchange at the northern connection with the existing Newcastle Road to Shortland section of the bypass;
- Potential for a connection to the rear of John Hunter Hospital;
- Bridge structures along the route to provide for drainage, fauna movements, and pedestrian access; and
- A grade separate interchange with Lookout Road and McCaffrey Drive at the southern connection.

NRMA asks the New South Wales Government to provide the additional funds to complete the Stage 5 Jesmond to Rankin section of the Newcastle Inner-City Bypass in the 2013-14 and 2014-15 budgets.

This budget submission from the NRMA goes hand in hand with the Government's objectives—or the Government's perceived objectives. They are:

- Continue the construction of the NICB and relieve a heavily congested section of the state road network
- Reduce traffic delays on the Pacific Highway at Sandgate by providing an additional signalised intersection
- Contribute to providing access between the developing western parts of Newcastle, the Regional Produce Markets and the Port
- Improve road safety for all road users
- Minimise adverse environmental impacts
- Improve access to the wider road network.

I am sure members are aware that the extension will pass underneath Sandgate Road at Shortland. I urge the Minister for Roads and Ports and the Treasurer to ensure that the 2013 budget allocates funds for planning and construction of the Newcastle inner-city bypass stage 5. I congratulate the member for Wallsend on bringing this important motion to the House. For the record, I am appalled that the Government will oppose this important motion. Again, the constituents of the broader Hunter should be disturbed also.

**Mr CRAIG BAUMANN** (Port Stephens—Parliamentary Secretary) [12.58 p.m.]: Despite what the member for Wallsend and the member for Shellharbour have said, it is worth noting that the State Government has contributed \$320.7 million for roads across the Hunter region as part of the 2013-14 budget. It is also funding the Hunter Infrastructure and Investment Fund to the tune of \$350 million. So to criticise the Government for not providing a link road, which members opposite had 16 years to do something about, is a bit rich. The first three stages of the Newcastle inner city bypass have been completed. The bypass is a longstanding project designed to provide for north-south traffic movements and distribution of traffic within the Newcastle urban area. Roads and Maritime Services is currently constructing stage 4 of the project—the \$143 million Shortland to Sandgate section—which will bypass a lower-standard existing section of the route. Anybody from the Hunter would know how congested the Sandgate cemetery intersection gets.

The completion of the Shortland to Sandgate section will provide a continuous four-lane road along the entire length of the Newcastle inner city bypass route. The work will extend the bypass from Sandgate Road to the Pacific Highway—about 300 metres north of the Sandgate cemetery—where a new intersection on the highway will be controlled by traffic lights. The project includes construction of five bridges and a new roundabout and access ramps at the Sandgate Road intersection. Roads and Maritime Services expects the project to be completed later this year. Of course, that is subject to weather conditions.

The new \$1.7 billion Hunter Expressway is the largest road infrastructure project ever delivered in the Hunter region. Work on the expressway is progressing well and is scheduled for completion, again, later this year, weather permitting. Roads and Maritime Services traffic modelling of the Newcastle road network was undertaken when planning the Hunter Expressway project. The modelling identified six key intersections on the route between the M1 Pacific Motorway, which used to be known as the F3 Freeway, and Newcastle which had congestion issues or which would require improvement work. I saw that a great deal of work had been done when I travelled along that road on Monday. I am sure the member for Wallsend is well aware of the improvements to those intersections.

**ACTING-SPEAKER (Mr Gareth Ward):** Order! I note the time. However, with the leave of the House the member may conclude his remarks.

**Mr CRAIG BAUMANN:** I am very pleased to advise the House that six intersections between the M1 Pacific Motorway and Newcastle have been upgraded to cater for the expected increase in traffic when the Hunter Expressway opens. Those intersections are: the intersection of Cameron Park Drive and the Newcastle Link Road; the Lake Road, Newcastle Link Road and Thomas Street intersection; the Newcastle Road entry of the Thomas Street/Longworth Avenue roundabout; the Douglas Street and Newcastle Road intersection; the Croudace Street and Newcastle Road intersection; and the Jesmond roundabout. The New South Wales Government funded these intersection upgrades, which will result in improved traffic flow and road safety outcomes. The New South Wales Government is committed to delivering road infrastructure projects in the region. We will be opposing this motion.

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

### **SOCIAL POLICY COMMITTEE**

#### **Report: Provision of Alcohol to Minors**

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

**Mr BRUCE NOTLEY-SMITH** (Coogee) [1.02 p.m.]: I am pleased to speak today to the report of the Social Policy Committee titled, "Provision of Alcohol to Minors", which is the result of an inquiry that I chaired into this issue. Problem drinking is an issue that affects all of our communities. However, it is important to point out that this inquiry was not about minors drinking alcohol; rather, it was about the provisions in current legislation and their effectiveness on the supply of alcohol to minors by their parents, guardians and authorised adults, along with the community's understanding of these issues. The report explored whether tougher penalties should be introduced and briefly explored whether a minimum age should be imposed for children consuming alcohol in the home. The report recommends against imposing a minimum age.

Parental supply of alcohol is a relatively common practice in the community; and the report accepts that, for example, 17-year-olds can, and in reality will, consume a beer or two at events such as family barbecues under their parents' supervision. This is essentially part of Australian culture. Although National Health and Medical Research Council guidelines recommend that it is safest for under-18s not to consume any alcohol, the committee found that there would be little value in further criminalising the supply of alcohol to minors and to do so could exacerbate any potential problems where it involves disadvantaged families. It is therefore recommended that the provisions in the Liquor Act 2007 that authorise a parent or guardian to supply alcohol to minors should be retained. The report recommends against making it an offence to provide alcohol to another person's child if the parent has authorised supply of alcohol to that child. The report looked at removing those provisions. However, valid concerns were raised that it would criminalise relatives and close family friends who also have traditionally provided alcohol to minors in family settings with parental permission. Therefore, it is recommended that the provisions in the Act for the secondary supply of alcohol, if parental permission can be proved, should be retained.

However, a number of participants in the inquiry raised concerns that the Act lacks clarity when it comes to explaining what is acceptable when providing alcohol to minors. Therefore, the report recommends legislative changes to the Act to more concisely define "responsible supervision". The Act should be amended to outline that parents and authorised secondary suppliers should take into account factors such as the minor's age, whether the minor is intoxicated, whether the minor is consuming food, the quantity and type of alcohol, and whether the parent or authorised supplier is intoxicated themselves. Clarifying this in legislation would provide parents and guardians with a better picture of what their responsibilities are for their children and for other people's children. This leads to another of the report's recommendations—that the New South Wales Government conduct a public awareness campaign to accompany the suggested changes to the Liquor Act. The campaign should have a dual focus: to highlight the ill-health effects of abuse of alcohol, particularly if consumption begins from a young age, and to inform parents clearly what is permitted under the legislation.

The education campaign should include various forms of media, including the internet, with the provision of a website to provide information and resources for parents. The website should help parents to make an informed decision about whether they will supply alcohol to their child and offer guidance about

how to talk to their children about it. It should also offer guidance about how to talk to other parents about the issue so that there is an unambiguous understanding about what is acceptable. Despite a lack of clarity in the Liquor Act, parental supply of alcohol to minors is usually conducted responsibly. However, in some households it can become a serious issue and go beyond the threshold of what is acceptable. The current criminal penalties, such as fines and a maximum term of 12 months in prison, are designed to deter supply of alcohol to minors. However, the intention is not to criminalise people but rather to protect children. Therefore, the report recommends amending the Act to add the option of requiring a parent and/or minor to attend counselling. This additional option could make a difference in more effectively solving issues in the home that lead to minors inappropriately or illegally consuming alcohol supplied by their parents, guardians or others.

The report essentially argues that parental discretion about whether to supply their child with alcohol should be retained, with no further criminal provisions—although it is apparent that there is a lack of legislative clarity regarding what is acceptable, and consequently a lack of community understanding. I ask the Minister to consider the proposed amendments to the Act, which clearly outline what "responsible supervision" is and to conduct a campaign to ensure that the community is made fully aware of it. Finally, I thank my fellow committee members, the member for Wallsend, the member for Drummoyne, the member for Shellharbour and the member for Dubbo for participating in the inquiry. I also thank the committee secretariat, and particularly Rachel Simpson, Dora Oravec, Ben Foxe, Emma Wood and Meg Banfield, for the excellent work they have done in compiling this report.

**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. 44/55**

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

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.08 p.m.]: I draw the attention of the House to Legislation Review Digest No. 44/55 tabled on 17 September 2013. The committee reviewed nine bills and made no comment on three. Those bills were the Fluoridation of Public Water Supplies Amendment Bill 2013, the Graffiti Control Amendment Bill 2013 and the Skills Board Bill 2013. The committee made comment on six bills and I will comment on them individually. The first bill was the Crimes and Courts Legislation Amendment Bill 2013, in respect of which the committee raised the issue of retrospectivity. It stated:

Schedule 15 of the Bill retrospectively validates the disclosure of certain records under the Young Offenders Act. The Committee will always comment when provisions in legislation are drafted to have retrospective effect.

However, on consideration of the bill the committee made no further comment. The second bill the committee considered was the Crown Lands Amendment (Multiple Land Use) Bill 2013. Once again it highlighted retrospectivity and after considering the issue made no further comment. The committee raised two issues in respect of the Drugs and Poisons Legislation Amendment (New Psychoactive and Other Substances) Bill 2013, the first being proportionate punishment.

The committee referred to Parliament for consideration whether proposed section 40 (3) of the Drug Misuse and Trafficking Act 1985 could impact on a person's right to receive a penalty proportionate to the offence. This means that a person who supplies or has in his or her possession a substance which the person says is a psychoactive substance when in fact it is not would be dealt with as if the substance was that perceived psychoactive substance. This form of punishment is similar to the existing provisions in the Drug Misuse and Trafficking Act 1985 and the matter has been referred to the Parliament for its consideration. This provision demonstrates the Government's intention to be tough on people dealing in synthetic drugs. The second matter dealt with was the commencement by proclamation, a matter the committee always raises.

The committee considered three matters in respect of the Game and Feral Animal Control Amendment Bill 2013, none of which was referred to Parliament for its consideration. They were denial of compensation, commencement by proclamation and delegated power. The committee also considered retrospectivity in respect of the Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment



(Inspectors) Bill 2013, and after considering the issue made no further comment. The last bill the committee reviewed was the Royal Commissions and Ombudsman Legislation Amendment Bill 2013 and it considered two issues, the first being the duty to disclose. The report states:

The Committee notes that the disclosure provisions in this Bill, in which secrecy is not an excuse, may compel an individual to reveal personal and sensitive information about another individual or themselves before a Royal Commission.

This relates to the child sexual assault royal commission presently taking place and the Commonwealth royal commission relying on State legislation, which is the reason the committee made no further comment. The second issue was retrospectivity on which the committee always makes comment, but in these circumstances it made no further comment. I thank committee members and committee staff for preparing the digest. As stated, nine bills were considered. It was a short week with a quick turnaround and I congratulate the committee staff on their work and commend Legislation Review Digest No. 44/55 to all members of Parliament.

**Ms TANIA MIHAILUK** (Bankstown) [1.14 p.m.]: On behalf of the Opposition, I speak to Legislation Review Digest No. 44/55. I acknowledge my fellow committee members, the chairman and member for Myall Lakes, the members for Parramatta, Rockdale and Swansea and our colleagues from the Legislative Council, Mr David Shoebridge, the Hon. Shaoquett Moselmane and the Hon. Dr Peter Phelps, who is still there. Once again, I commend the diligent committee staff, who have compiled the digest for this second straight week of parliamentary sittings. I am sure they will enjoy the upcoming three-week break.

The committee examined a total of nine bills this week, including the Fluoridation of Public Water Supplies Amendment Bill 2013, a private member's bill introduced by the shadow Minister for Health, Dr Andrew McDonald. The object of the bill is to amend the Fluoridation of Public Water Supplies Act 1957 to enable the Minister to direct a water supply authority to add fluoride to a public water supply under its control. This bill followed concerns that three North Coast councils have not fluoridated their water supply amidst growing reports of tooth decay in young children much higher than the State average. I congratulate the shadow Minister on having the foresight to introduce this private member's bill. As a paediatrician at Campbelltown Hospital for 17 years, Dr McDonald has expert knowledge of what is in the best health interests of children. Preventing needless tooth decay in children through the fluoridation of drinking water is a proven worldwide method and one for which I am delighted Dr McDonald has advocated strongly. The committee made no comment on this bill.

Yesterday the Parliament passed the Drugs and Poisons Amendment (New Psychoactive and Other Substances) Bill 2013 without amendment. The committee considered this bill and noted the disproportionality issues as follows:

Where a person falsely represents that a substance is a psychoactive substance, they could be prosecuted for the same offences as those individuals who supply a genuine psychoactive substance ... legislation of this kind which impacts on rights and creates new offences [should] commence on a fixed date or assent.

The committee highlighted the bill's public health and safety purposes and for these reasons it received bipartisan support in both Chambers. When enacted, the legislation will make it an offence to supply, sell or possess any kind of psychoactive substance. The committee also gave consideration to the Royal Commissions and Ombudsman Legislation Amendment Bill 2013. The object of this bill is to ensure that witnesses attending or appearing before a royal commission are not excused from answering questions or producing documents, regardless of any other restrictions. The report stated:

The Committee notes that the disclosure provisions of this Bill, in which secrecy is not an excuse, may compel an individual to reveal personal and sensitive information about another individual or themselves before a Royal Commission. However, given the overall public interest in gathering sufficient evidence for the purposes of the Royal Commission into Institutional Responses to Child Sex Abuse, and the interest against protecting the revelation of criminal information, the Committee does not consider this provision unreasonable in the circumstances provided.

I again commend the staff for their preparation of the digest and commend the report to the House.

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

**Report noted.**

**PUBLIC ACCOUNTS COMMITTEE****Report: Efficiency and Effectiveness of the Audit Office of New South Wales**

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

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

*[Acting-Speaker (Mr Gareth Ward) left the chair at 1.19 p.m. The House resumed at 2.15 p.m.]*

**MR LES WIELINGA, DIRECTOR GENERAL, TRANSPORT FOR NSW**

**The SPEAKER:** I welcome to the Speaker's Gallery Mr Les Wielinga, Director General of Transport for NSW. As many members would be aware, Mr Wielinga recently announced his retirement after four decades of service to the people of New South Wales. Mr Wielinga's final day will be 24 September. Mr Wielinga's career spanned 41 years and included serving as the Director General of Transport for NSW and Chief Executive of the Roads and Traffic Authority. On behalf of the House I recognise his extraordinary contribution and commitment to the public service over a career spanning 41 years and wish him the very best for the future.

**RETIREMENT OF CLARKE WHEELER, PARLIAMENTARY SERVICES**

**The SPEAKER:** Mr Clarke Wheeler from the Parliamentary Facilities Engineering Section is retiring on Thursday 26 September after 33 years of service in this place. I wish him all the best for the future.

**AUDITOR-GENERAL OF NEW SOUTH WALES**

**The SPEAKER:** I draw members' attention to the presence in the Speaker's Gallery of Mr Peter Achterstraat, the twenty-first Auditor-General of New South Wales, whose seven-year appointment is concluding next week. On behalf of the Legislative Assembly, I pay tribute to the Auditor-General's service to the Parliament and to the State. As members are aware, the Public Accounts Committee has enjoyed a strong and positive working relationship with Mr Achterstraat and his team at the Audit Office. The roles and powers of the parliamentary committee and the independent auditor are different but complementary. Together they are very effective at improving accountability and performance of State agencies.

Since his appointment as Auditor-General in 2006 more than 3,000 financial audits have been tabled in Parliament. These rigorous audits ensure that Parliament is well informed about the reporting standards of government departments and agencies. The Audit Office has undertaken 80 performance audits, with recommendations followed up by the Public Accounts Committee, often in hearings with senior agency officials. On behalf of members I acknowledge Peter Achterstraat's contribution as Auditor-General and wish him and his family a fulfilling future. I acknowledge in the Speaker's Gallery Mr Peter Achterstraat and his friends and colleagues, John Colvin, Steven Smith, Michael Bishop and Richard Diaz. Congratulations and thank you for your service to the State.

**ELECTORAL DISTRICT OF MIRANDA****Issue of Writ**

**The SPEAKER:** I advise the House that it is my intention to issue a writ for a by-election to fill the vacant seat of Miranda. The particulars of writ are as follows: issue of the writ, Friday 20 September 2013; nomination day, Thursday 3 October 2013; polling day, Saturday 19 October 2013; and return of writ, Friday 8 November 2013.

**ASSENT TO BILLS**

Assent to the following bills reported:

Aboriginal Land Rights Amendment Bill 2013  
Hunters Hill Congregational Church Property Trust Bill 2013  
Security Industry Amendment (Licences) Bill 2013  
State Authorities Non-contributory Superannuation Amendment Bill 2013

**QUESTION TIME**

*[Question time commenced at 2.22 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. Does the Minister stand by her statements that there has been no reduction in the number of caseworkers in Wollongong, given they told the ABC's 7.30:

We were very angry our Minister was saying there were no staff shortages when we had just lost all these workers ... there are empty desks everywhere.

**The SPEAKER:** Order! Members will come to order. There is too much audible conversation in the Chamber. I could hardly hear the second part of the question. I need to hear every word of the question in order to determine whether it is in order.

**Ms PRU GOWARD:** I thank the member for that question. I refer him to my previous answers yesterday. As I said yesterday, the department advised me that the allocation of funded caseworker positions in the Wollongong Community Services Centre remained constant during 2011-12 at 37.7 full-time equivalent funded positions. In fact, advice from the department says that in the months leading up to the tragic death of that little boy there were more caseworkers in the Wollongong office than were funded for. However, I would remind the House that this matter—the matter of the death of a child in these circumstances—is before the courts and, as such, it is inappropriate to comment.

Every child death is a tragedy. What we have seen from the media in the past couple of days could potentially compromise criminal proceedings. I will not say anything that compromises justice for this little boy. I would expect that basic journalistic ethics also apply to media reporting. There is the matter of the internal child death review. The purpose of internal child death reviews is to look at our practice and learn from these tragedies. It has been a longstanding practice of the department. Public disclosure of confidential reports not only potentially compromises criminal investigations and proceedings, it also inhibits our ability to critically review our practice and support our caseworkers to improve their work with vulnerable children and families. I would like to read a message my director general sent to staff at 1.06 p.m. today:

Colleagues, an extraordinary thing happened yesterday. Someone in our department provided a copy of an internal child death review report to a media outlet. In the ten years that we have undertaken internal child death reviews this has never happened before.

Releasing the report is a profound breach of trust. It is completely unacceptable.

**Mr John Robertson:** Or they have no faith in their Minister.

**Ms PRU GOWARD:** We now have an Opposition that supports—

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

**Ms PRU GOWARD:** —these shocking breaches of trust. The Leader of the Opposition—

**The SPEAKER:** Order! The Leader of the Opposition will come to order. Members will cease interjecting. The Leader of the Opposition will come to order. The member for Canterbury will come to order.

**Ms PRU GOWARD:** The Leader of the Opposition—

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

**Ms PRU GOWARD:** —might like to listen further. The director general said:

It breaches the privacy of a little boy who died, his siblings, his family and friends. The report contains the most intimate details of this family, information that is gathered and held in the strictest confidence. It contains unproven allegations about many people. It breaches the privacy of the people who reported concerns about the little boy to our department.

Protecting the identity of people who report concerns about the welfare of children is fundamental to the success of our child protection system. Revealing the identity of people who report children at risk of harm, or information that allows them to be identified, increases the chance that other people will not report concerns about other children for fear of identification.

Lastly, this action has betrayed the trust of the staff who voluntarily participated in this internal review.

We can only improve our work if we can reflect with absolute honesty on what happens when a child dies. For a decade staff at every level in our department have been able to tell their stories to a child death review team on the understanding that their confidences will be respected and used only to help improve practice, organisational support and operations and to inform external reviews of child deaths by the NSW Ombudsman.

This leak puts at risk the most important way our department learns and improves how we support and protect children and young people.

It is quite possible that the person or people responsible thought that some good would flow from their actions and if that's the case, they are quite wrong. I have only noted dismay, shock and hurt among our colleagues inside the department and from the family of the little boy who died.

This leak is not only a breach of our code of conduct, it is a breach of the law under section 254 of the Children and Young Persons (Care and Protection) Act. The subsequent identification of mandatory reporters by the media is also a breach of the Act.

We will and must respond to it with the seriousness it deserves.

Yours sincerely,

Michael Coutts-Trotter  
Director-General

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

**Ms PRU GOWARD:** The Government considers this to be a very serious matter. It is a very sad day for the child protection system.

### WESTCONNEX MOTORWAY

**Mr JAI ROWELL:** My question is addressed to the Premier. How is the Government providing the link to Western Sydney and south-western Sydney motorists?

**Mr BARRY O'FARRELL:** I thank the member for Wollondilly for his question and for his undoubted interest, on behalf of long-suffering motorists in his electorate, in this project. I am sure it is fitting—I am sure it has not been coordinated—that the Director General of Transport for NSW, Mr Les Wielinga, is in the gallery today. Without the efforts of the director general under the new Transport for NSW project we would not be here today ensuring that long-suffering motorists have a game-changer. This will be a game-changer for tens of thousands of people who, each day, use the M4, the M5 and Parramatta Road. It is a big day for the State economy and for the national economy. It is a welcome day for what is one of the most unloved roads anywhere across this city—Parramatta Road.

Today I was delighted to join the Prime Minister, the Deputy Prime Minister, the Minister for Roads and our Parliamentary Secretaries to announce that the New South Wales Government has accepted the business case for the WestConnex motorway and green lighted the delivery of the project. Both Tony Abbott and I want to be known as the infrastructure leaders. The fact we have been able to make this announcement on Tony Abbott's first full day as Prime Minister is testament to how this State Government and the new Federal Government will work together to deliver the infrastructure that this city and this State need in the twenty-first century. In a city that was so badly let down by State Labor Government and the Federal Labor Government today we have—

**Mr Ryan Park:** You are kidding!

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

**Mr BARRY O'FARRELL:** I will come back to those opposite. No-one will forget Kevin Rudd's promises in 2007 to deliver billions of dollars of infrastructure to this city and his failure, until the time he was kicked out of office, to deliver on those promises. Today the New South Wales Government has lodged the initial planning application for the WestConnex motorway. WestConnex is the largest transport infrastructure project in Australia. It is a 33-kilometre continuous motorway that will link Western Sydney and south-western Sydney with the city, the airport and Port Botany.

The \$11.5 billion project will be built in three stages, with the M4 widening to start first, and to be completed in 2017. The WestConnex business case shows this project will inject \$20 billion into the State's economy and create 10,000 jobs during construction, including many apprenticeships. It will also support an estimated 25,000 jobs once it is completed. When complete it will help motorists avoid up to 52 sets of traffic lights. This will save 40 minutes on a trip from Parramatta to Sydney airport and save 25 minutes on a trip from Parramatta to the central business district. Travel times will be slashed for motorists coming from the south-west when our M5 West widening is complete and the duplication of the M5 East is completed under WestConnex.

That is great news for families in Western Sydney and south-western Sydney. We want people out of their cars and spending more time with their families as often as possible. Easing congestion on roads will not only boost economic activity, but will also help free up the entire Sydney road network. If we can get people onto these motorways and off the rat runs they are currently using that will be significant. Cars will be able to more easily move around this city. That is demonstrated by the fact that this project will take 3,000 trucks a day off Parramatta Road. They will be able to use the underground tunnels instead, meaning surface roads will be returned to local communities. As the Federal Minister for Roads said, that will enable those suburbs that have been blighted by traffic to reconnect. This will enable urban revitalisation to occur along the 20-kilometre corridor between Broadway and Parramatta, creating new jobs, stimulating productivity and delivering new homes in this key growth area of Sydney.

This is a once-in-a-lifetime opportunity to finally fix one of Sydney's most hated roads. WestConnex delivers on our election commitment and, along with public transport infrastructure projects such as the North West Rail Link, the South West Rail Link and those light rail projects from Kensington to Circular Quay it shows that we are serious about transforming Sydney for the better. The New South Wales Government is providing \$1.8 billion for WestConnex. The Abbott Government has committed \$1.5 billion. That was a commitment made by Tony Abbott as Leader of the Opposition and reaffirmed by Tony Abbott as Prime Minister of this nation today. It is the most significant infrastructure commitment in this city by a Prime Minister in more than six years. This is unconditional funding from the Prime Minister, unlike the unrealistic conditions Labor placed on its pre-election hollow promises. As we have said previously, tolling will be required to fund the bulk of this critical missing link in Sydney's road network. It will be a distance-based tolling system like that which exists on the M7. [*Extension of time granted.*]

As I was saying, it is a distance-based tolling system like that which applies on the M7, but it is estimated that the toll will be capped, in today's prices, at \$7.35. That will be the maximum that people will be charged if they are using the full 33 kilometres of the project. The final word on today's announcement should go to the shadow Minister for Roads. One would think that the Labor Party would be too ashamed to draw attention to its record on infrastructure delivery. Not only do we live with the legacy of Neville Wran's decision in 1976 to remove the road corridor from the end of the M4 to the city, which is why this road is so expensive—it involves tunnelling—but those opposite have their own record.

The member for Keira on radio said, "Western Sydney motorists in particular are always very sceptical." Western Sydney motorists have a good track record on being sceptical because of what they have been promised time and time again by those opposite. They were betrayed by Labor, which promised to deliver this project. On 7 July 2002 it was then Minister for Roads, Carl "Sparkles" Scully, who promised a \$1 billion M4 East tunnel under Parramatta Road. If that project—a project we are now having to deliver—had been delivered at that time it would have been significantly cheaper than what we now have to pay. The toll would be significantly cheaper.

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

**Mr BARRY O'FARRELL:** Whether it was Neville Wran's short-sighted decision in 1976 or the continued betrayal by Labor in office of the people not only in the west and south-west but also in the inner west, the fact is we are delivering this project.

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

**Mr BARRY O'FARRELL:** The fact is that it is more costly because of Labor's failure. The fact is that it was always going to be paid for by tolls.

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

**Mr NATHAN REES:** My question is directed to the Minister for Family and Community Services. Why did she just tell the House the number of Wollongong caseworkers had remained constant given her chief of staff has emailed on 25 February and advised that "you will note there is a downward trend" at Wollongong?

**Ms PRU GOWARD:** As I have now told the House on a number of occasions, the budgeted number remained constant at 37.7 full-time equivalent. The Opposition is now again deliberately confusing headcount with the budgeted number.

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

**WESTCONNEX MOTORWAY**

**Mr ANDREW GEE:** My question is directed to the Minister for Regional Infrastructure and Services. How will WestConnex improve productivity for New South Wales?

**Mr ANDREW STONER:** What an intelligent question from the member for Orange. Coincidentally, I happen to have some notes on the topic.

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

**Mr ANDREW STONER:** This Liberal-Nationals Government came to office with a strong commitment to rebuild New South Wales. And we are doing exactly that through our historic investment in infrastructure, despite the financial mess left to us by those opposite. WestConnex will not only ease congestion for those who live and work in Sydney, but it will also provide economic benefits for all of Sydney and regional New South Wales by linking major freight routes with Sydney Airport and Port Botany. A Deloitte Access Economics report released earlier this year showed that Sydney Airport is Australia's most significant air freight hub, accounting for around 50 per cent of international air freight.

In 2011 the airport facilitated the export of \$12.3 billion in products and commodities. Port Botany accounts for around one-third of container freight movements into and out of Australia. Whether it is wheat and barley from the north-west and flour from the central west of New South Wales on its way to the Asian markets, lamb from Dubbo headed to the Middle East, or packaged meat bound for other international markets, improving access to Port Botany through the WestConnex motorway will benefit our regional producers. Members on this side of the House understand that freight is critical to the New South Wales economy. It is an industry that generates more than \$58 billion each year, employs around half a million people and is growing rapidly, with container movements at Port Botany expected to more than triple by 2030-31.

That is why in this year's State budget we announced a \$282 million investment in enabling works that will link WestConnex to Port Botany and Sydney Airport, including replacing the rail level crossing with a road underpass between General Holmes Drive and Botany Road to remove an operational slow point in the rail freight network; making traffic improvements on Mill Pond Road to support increased taxi volumes and private bus operators accessing the airport precinct and to enhance connectivity for freight and commercial vehicles; and widening Joyce Drive and General Holmes Drive to three lanes in each direction between O'Riordan Street and Mill Pond Road to improve vehicle movements to and around the airport.

Linking WestConnex to Sydney Airport and Port Botany will reduce the cost of freight and will enable New South Wales exports to reach international markets more quickly. We know that the world is highly competitive when it comes to trade, so this is critical to enhancing our economy and improving our trade and investment performance. The link also will provide an incentive for companies to locate their head offices or base expansion projects in Sydney. The Government believes that this investment will, in turn, drive new investment in Sydney and in New South Wales generally. Today's lodgement of the initial planning application for the WestConnex motorway shows that this Government is serious about providing the infrastructure our State needs to improve productivity and to grow our State's economic prosperity. The signs are good. As the Treasurer has reported, the New South Wales economy has improved in the national league table on a number of fronts. This sort of investment in infrastructure will continue the improvement in the State's economy. Following 16 long years—

**The SPEAKER:** Order! We do not need a chorus from the Government benches, nor from the member for Fairfield.

**Mr ANDREW STONER:** Our mates opposite are going to be in opposition for a long, long time—trust me. Following 16 years of lost opportunity and neglected infrastructure investment under Labor, this Liberal-Nationals Government is getting on with the job of addressing the infrastructure backlog to rebuild New South Wales.

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

**Mr MICHAEL DALEY:** My question is directed to the Minister for Family and Community Services. Were there or were there not fewer caseworkers working in the Wollongong Community Services Centre in December 2012 compared with June 2011? We will be satisfied with a yes or no answer.

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

**Ms PRU GOWARD:** I refer the member to my previous answers.

#### **WESTCONNEX MOTORWAY**

**Dr GEOFF LEE:** My question is directed to the Treasurer, and Minister for Industrial Relations. How is the Government funding WestConnex?

**The SPEAKER:** Order! Members will come to order. The Treasurer has the call. I call the member for Fairfield to order for the first time.

**Mr MIKE BAIRD:** I thank the member for Parramatta for his question and for fighting for this project for his community. It is certainly a watershed day. Doesn't a change of government make a difference?

**Mr Richard Amery:** You're still there.

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

**Mr MIKE BAIRD:** You've changed spots, Richard. Back in 2011 New South Wales had a change of government and two weeks ago a change of Federal government has delivered a great boost to this country. It is fantastic to have not only a Premier who is getting this State moving but also now a Prime Minister who is interested in Sydney. It is about time that happened. What those opposite do not understand is that to have a day like today—a watershed day, when the biggest transport project in the history of the country was started—requires difficult decisions to be made.

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

**Mr MIKE BAIRD:** Savings measures are required to get the budget under control so that we can afford these developments, but those savings measures are opposed at every point along the way by those opposite. Members opposite know that they opposed every single savings measure designed to get the budget under control to deliver projects such as this.

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

**Mr MIKE BAIRD:** At the same time, falling revenues and inherited debt from the former Government put us up against the triple-A credit rating. The only thing we can do to release the capital is to look at the balance sheet, and that is exactly what we have done.

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

**Mr MIKE BAIRD:** The assets transaction has released the capital—those opposite opposed it every step of the way—and today that makes WestConnex a reality. That is the difference between that side of the House and this side of the House: We are making the decisions we need to make for the long-term interests of this State. On the back of that, we have today started the biggest transport project in the history of this country. It is important to understand that the fiscal strategy was determined by Rod Eddington. He said it "provided a textbook example of how governments should recycle existing infrastructure into new projects". That is what we have done. How is Albo going? We want to put on the record that we support Albo because the other bloke is in Victoria. The other bloke is in Victoria so we are backing Albo.

**The SPEAKER:** Order! The House will come to order. The Treasurer will return to the question.

**Mr MIKE BAIRD:** We have also moved on the model to engage the private sector. The WestConnex model that we have established is innovative and it provides an opportunity to get the project moving. The former Government's public-private partnership model, which failed, did not have the capacity to remove patronage risk. Together with the Federal Government, we will invest in the project, build up the cash flows and then invite the private sector to play a role. That is significantly different from what members opposite did. The former Government saw its public-private partnership model as an opportunity to grab some cash up-front, which meant every commuter paid higher tolls and its projects cost more. It was a model that failed the community and everyone involved in it.

It is time for a different approach, and that is exactly what the O'Farrell Government is implementing. There is a stark difference: We are doing the work up-front. Today we should pay tribute to Infrastructure NSW—it did the work to determine the economic merit of this project and highlighted it. The Government has found the money. That is another difference: When the former Government announced projects there was no money for them; today we have announced this project and the money is sitting in a bank account. We on this side of the House will deliver this project; those opposite only dreamed about it. We have been prepared to make the decisions. I do not even know if the Opposition supports the project. Do members opposite support it or not? Maybe—who knows? The shadow Minister has no idea. Everyone on this side of the House supports this project. We are going to get the State moving.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. I can hardly hear the Treasurer.

**Mr MIKE BAIRD:** I remember being in opposition—and it was not pleasant.

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

**Mr MIKE BAIRD:** I remember we were looking at projects that we could undertake. We knew that if we committed to starting one of these major projects in government it would be a very difficult task. However, we made the decision. We knew it would be difficult, but it must be done for the future of this State, so we made that commitment. The decisions we have had to make have not been easy, but they are right for the long-term interests of the State. At the same time we have been able to hang on to the triple-A credit rating. [*Extension of time granted.*]

**The SPEAKER:** Order! I call the member for Cabramatta to order for the first time.

**Mr MIKE BAIRD:** I highlight that maintaining the triple-A credit rating while we are getting on with the infrastructure backlog that the former Government left behind has not been an easy task. We have seen the challenges that Western Australia has faced; it has lost its triple-A credit rating. We are determined to do everything possible, and again I pay tribute to everyone on this front bench—indeed the whole Government—because we have determined what is right for the long-term interests of this State and we have made those decisions. It is clear that this Government is determined to take action and to deliver the infrastructure that the community desperately needs. The WestConnex project will provide a \$20 billion boost to the economy; it will provide more jobs, more housing and less congestion for Western Sydney. It is a great project that we were proud to stand alongside the Prime Minister today to announce.

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

**Mr MIKE BAIRD:** I pay tribute to Les Wielinga for his role in this project and for his service to this great State for many years. I believe the Minister for Transport is going to say something in particular to him. We thank him for his role. I note that the Auditor-General is in the gallery and I pay tribute to him also. He has served this State with distinction. He is a man of the highest integrity and character.

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

**Mr MIKE BAIRD:** I had the privilege of working with his son, who is an outstanding young man who can do anything on this planet. He should be proud of him and his family. I thank the Auditor-General for what he has done for this State. I have described his role as being a thorn in the side of government. He has used



colourful language; I will not look at a tuckshop in the same way again. I say to the Auditor-General: You leave with gratitude and thanks for making this State a better place and for the work you have done with the utmost professionalism and integrity. We thank you.

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

**Mr JOHN ROBERTSON:** My question is directed to the Minister for Family and Community Services. Who is lying about caseworker numbers in Wollongong—is it the Minister or the caseworkers?

**Mr Brad Hazzard:** Point of order: Apart from being a silly question, the question is argumentative and should be ruled out of order.

**The SPEAKER:** Order! The question sought factual information. It used the word "lying" but it was not directed towards the Minister. I rule the question in order.

**Mr Brad Hazzard:** It's an inference that somebody was lying.

**The SPEAKER:** Order! I have ruled on the point of order. The question did not contain an inference regarding the Minister.

**Mr Brad Hazzard:** Madam Speaker—

**The SPEAKER:** Order! I remind the Minister of my previous ruling. Does he seek the call?

**Mr Brad Hazzard:** I do, with your indulgence of course.

**The SPEAKER:** Order! I will seek advice from the Clerk. The Minister has the call

**Mr Brad Hazzard:** I appreciate that it is a difficult interpretation but I ask that it be reflected upon again because there seems to be an inference that either one or the other lied. That is an inference and, therefore, the question should be ruled out of order.

**The SPEAKER:** Order! It is not clear who the inference is directed towards.

**Mr Brad Hazzard:** I am happy to allow you and the Clerk to have that discussion because I do not want to invite the wrath of the Speaker.

**The SPEAKER:** Order! Is the Minister implying that I find complex decisions difficult?

**Mr Brad Hazzard:** Not at all. I was suggesting that members opposite find it difficult.

**The SPEAKER:** Order! I rule the question in order. The Minister has the call.

**Ms PRU GOWARD:** I thank the member for his question. I remind the questioner that I have already said that 37.7 positions were budgeted for in that office over that period. That is the important issue for the Minister. After that, the issue of filling those positions is a matter for the department. Members opposite presided over a record number of children in out-of-home care, a record failure to see children—they got it down to one in five—and a record underspend on caseworkers every year on average. For the term of the previous Minister's time as Minister, the average underspend on caseworker salaries was \$20 million.

#### **INTEGRITY IN GOVERNMENT**

**Mr GARETH WARD:** My question is directed to the Premier. How is the Premier improving integrity in government?

**Mr BARRY O'FARRELL:** I thank the member for his question and for his chairmanship of the Joint Select Committee on Electoral Matters. As amply demonstrated at the last State election, after 16 years of Labor, the people of New South Wales were sick and tired of the rotten, incompetent and corrupt government.

**The SPEAKER:** Order! Government members will remain silent.

**Mr BARRY O'FARRELL:** The New South Wales Liberals and Nationals campaigned to restore integrity in Government and the community responded resoundingly, consigning the Labor Party to the numbers we see before us. Whether it was the donations for decisions culture, the string of ministerial scandals or the faceless men appointing and sacking Premiers, the community had had a gutful.

**The SPEAKER:** Order! I remind the member for Maroubra that he is on three calls to order.

**Mr BARRY O'FARRELL:** The member for Toongabbie pledged to end the soap opera at the start of his brief tenure as Premier, but during his tenure—and in the manner of his removal—it worsened. And who could forget the decision by the former member for Heffron, on the advice of her chief of staff Walt Secord, to shut down the Parliament early? For the community, that act was the last nail in the coffin of the then New South Wales Labor Government. In contrast, the New South Wales Liberals and Nationals have learnt from those lessons. We have honoured our promises and we have delivered the higher standards to which we committed.

**Mr John Robertson:** You appointed Roger Massey-Green and Maurice Newman. You elected Geronimo.

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

**Mr BARRY O'FARRELL:** The list is long. We put an end to the ability of any government to shut down Parliament early. We have strengthened whistleblower protections. We have strengthened the powers of the Independent Commission Against Corruption and the Ombudsman, and we have given both record funding. We have reformed campaign finance laws to take the money out of politics by restricting donations to individuals who appear on the electoral roll.

**Ms Linda Burney:** What about ministerial responsibility?

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

**Mr BARRY O'FARRELL:** We have banned party political taxpayer-funded advertising campaigns, and we have involved the Auditor-General in the process. We have increased transparency in decision-making. I simply highlight the efforts of the Minister for Planning and Infrastructure in ensuring the publication online of the Department of Planning's recommendations on State-significant developments, such as mines, before they are considered by the Planning Assessment Panel. I contrast that commitment to openness by the Minister for Planning and Infrastructure with the approach of his Labor predecessors and the smell of corruption that emanated from their offices. It is an approach that other Ministers are following. I commend the Minister for Family and Community Services for her efforts to get online, transparently, the number of caseworker positions filled across the State—something that members opposite never did.

We have sought to improve the rules governing lobbyists, including the introduction of a ban on so-called lobbyist success fees. It is now a criminal offence in New South Wales for a lobbyist to be given a payment that is contingent on the outcome of lobbying a government official. As I have said on many occasions, people do not need to pay for the services of a lobbyist to engage with my Government. Indeed, I have said, and I will continue to say, that those who do, those who think that the key to getting a meeting or a favourable decision is by employing a lobbyist are wasting their time and, more importantly, their money. Earlier this week I asked my department to prepare a further change to the New South Wales Lobbyist Code of Conduct to improve transparency and remove any perception or potential for conflicts of interest. This morning I signed those changes.

From 31 October people who occupy or act in an office or position concerned with the management of a registered political party will not be eligible to engage in lobbying activities in New South Wales or to be registered as a lobbyist in the State. As we understand the need for constant vigilance, there may be further changes in the future, especially given the Independent Commission Against Corruption report expected next month flowing from its inquiries and corruption findings about the activities of former Labor Ministers and members.

**The SPEAKER:** Order! The Minister for Resources and Energy will come to order.

**Mr BARRY O'FARRELL:** We have got on with the job of restoring responsible, accountable government in New South Wales. I can add today that it is only through responsible, methodical, measured government—government that, like families and small business, understands the importance of living within one's means—that can commit to a WestConnex motorway, that delivered by June of this year 2,800 additional nurses, or presided over the strongest jobs growth anywhere in the country.

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

**Mr BARRY O'FARRELL:** But having wrecked the place when they were in office, Labor members continue to try to pretend it is best placed to lecture people on good government. Labor has established an upper House committee on ministerial propriety. [*Extension of time granted.*]

Given Labor's record in office it is best described as the audacity of hopelessness. It is like asking Martin Bryant to advise police Ministers on responsible gun laws. But level 6 has cracked it. The press gallery certainly believes that its establishment is simply another vehicle for the Hon. Luke Foley to continue to parade his credentials to take over the job currently occupied by the member for Blacktown. When the committee was first announced, I said that if called I would be prepared to appear. I remain prepared to make an appearance, if asked by the committee. As a committee of the Legislative Council, I expect that any current or former Minister in that Chamber would do likewise. But as it is a Labor-inspired Legislative Council inquiry, I do not propose that any Minister in this Chamber attend. Every day that Parliament sits—

**The SPEAKER:** Order! All Opposition members who are on calls to order are now deemed to be on three calls to order.

**Mr BARRY O'FARRELL:** Every day that Parliament sits Ministers face the scrutiny of fronting up to question time. I remind the gallery that not only does Parliament sit more often under this Government, but every day it sits—unlike what happened under those opposite—there is a question time. The other place can undertake an inquiry, but Ministers in this House will continue to owe their principal accountability to this Chamber. On issues of propriety and corruption, I am not going to be lectured by those opposite or anyone with a political agenda. We are fortunate in this State to have an Independent Commission Against Corruption. It has done and is doing a great job. It, and not any parliamentary committee or political party, is the body which should assess, determine and advise on any such issues—and I say that notwithstanding the undoubted expertise of those opposite in corruption in government.

#### INNER SYDNEY SCHOOLS WORKING GROUP

**Mr ALEX GREENWICH:** My question is directed to the Minister for Education. What is the progress of the Inner Sydney Schools Working Group, established last October, including plans for additional primary education facilities in the Pyrmont and Ultimo area?

**Mr ADRIAN PICCOLI:** It is progressing very well, I might say to the member for Sydney. I am pleased to confirm that the Inner Sydney Schools Working Group, which currently meets once a month—and was established after the member was elected in a by-election—has analysed the school accommodation needs in the Pyrmont and Ultimo area. The group is meeting regularly, with the last meeting on 4 September; the next meeting is scheduled for mid-October. The chairperson, and one of the department's asset planners, met with the Ultimo Public School Parents and Citizens Association on 26 August 2013, and an undertaking has been made to keep the association informed of progress. I am very pleased to be able to confirm that the working group has identified draft options to provide additional primary school facilities, which are currently being considered. I would not have thought Opposition members would interject, given the number of schools they closed in the inner-city. This would have been a relatively easy problem to solve had the member for Marrickville not closed those schools.

Following final analysis of the draft options, the department will prepare a business case for approval of the projects that are supported. That will be done through the department's asset management planning process. I assure the House that the Government is committed to the provision of high-quality public education and the facilities to support its delivery. That is what we are doing in the inner-city. I do note however that Glebe Public School, for example, has seven spare classrooms available. Glebe public is not that far from Ultimo public. I have had a look, where everyone looks these days, on Google. On the map, according to Google, it is a 17-minute walk. So where there is spare capacity in schools, we encourage people to enrol in those schools. We have a responsibility to maximise our assets. They are all great schools, staffed by great

teachers. And where we have seven spare classrooms in a school that is a 17-minute walk from another school that is bursting at the seams, we would of course encourage people to use that excess capacity. So there is school accommodation in the inner-city.

**Mr Jamie Parker:** Fifty-two new classrooms needed by 2018.

**Mr ADRIAN PICCOLI:** Sorry?

**Mr Jamie Parker:** Fifty-two new classrooms by 2018.

**The SPEAKER:** Order! The member for Balmain will come to order. He did not ask the question.

**Mr ADRIAN PICCOLI:** There are seven at Glebe, and they are not being used.

**The SPEAKER:** Order! This is not a two-way conversation. The Minister will direct his remarks through the Chair.

**Mr ADRIAN PICCOLI:** If somebody wants to tell me why those seven classrooms are not being used, I am happy to listen. I take this opportunity to reflect on the other great work that this Government has done because of its financial management and general management of government. We heard that great story about WestConnex today. But in 2013-14 this Government has a capital expenditure in education of more than half a billion dollars. Major investments include funding for five new schools—Spring Farm, The Ponds, Strathfield, Crows Nest and on Sydney's lower North Shore—with about \$50 million for the lower North Shore to deal with capacity issues there. But, beyond that, we have purchased a couple of private schools that have gone into administration: I think it was \$6 million to buy the Hope Christian School in the seat of Camden, when it would have cost us more than \$12 million to build an equivalent school. We bought the Sydney Adventist College in Strathfield, which will become a new public school as of next year. We have Lake Cathie, on the North Coast—a great commitment that I know the member for Port Macquarie has been championing for a long time.

We are, of course, using the \$96 million of leftover Building the Education Revolution money to redevelop 19 schools for special purposes, commonly referred to as special schools. That funding is being scattered right across this State. We were in East Hills the other day at Caroline Chisholm School; they could not have been more thrilled. We saw what this Government built at Caroline Chisholm for \$1.2 million. Those opposite built the equivalent of a couple of little tuckshops and a hall. The school values those, of course, but for \$1.2 million you would want to value them. For about four times the amount, we have built about ten times as much space. That is a great victory for that school, particularly given the support that it gives to meet the complex needs of worthy students in this State. That example is replicated across 19 schools. This is a Government that knows how to invest its money properly, and we are very proud to do so.

### PLANNING SYSTEM REFORM

**Mr JONATHAN O'DEA:** My question is directed to the Minister for Planning. How is the Government working with the community, local government and business to reform the planning system?

**Mr BRAD HAZZARD:** I thank the member for Davidson for his question. I thank him also for his strong leadership of the Public Accounts Committee, ensuring that transparency and openness are the hallmarks of that committee. Those are precisely the hallmarks that the Government is applying in its review of planning; and we intend to ensure those are the hallmarks of our new planning system. As I reported to the House yesterday, the Government has been considering in great detail submissions to the NSW Planning White Paper. Almost 5,000 submissions were received and they have been carefully analysed by professional staff. The submissions have reflected the range of views that reflect the range of perspectives when it comes to planning reform. Some come from a narrow perspective, some from very broad perspectives.

The issue for the Government is that it has to provide a planning system that strikes the balance for the entire New South Wales community and also delivers on the Government's commitment to empower local communities through their councils. At the same time the Government is intent on protecting our precious environment and ensuring that housing and industry are promoted so that the economy is strong and providing jobs and opportunities for New South Wales residents. The Government had intended to introduce a bill to the House this week; but we have listened to concerns represented in the 5,000 submissions and we are determined

that all the community concerns will be considered in detail. The Government will make appropriate, considered decisions on what will form the backbone of our new planning system, which after all will last us for an anticipated 30 to 50 years. The Government is clear that the community and their councils will be front and centre in the new planning system.

I can now inform the House that there are a number of issues that the Government will definitely be modifying from the original draft exposure bill. This approach reflects the Government's ongoing and genuine commitment to community consultation in developing our new planning system. The birth of this new planning system was genuine community consultation across the State and the development of a Green Paper, guided by former Ministers from the Labor and Liberal sides of politics. The White Paper stage in the Westminster system is where the government normally sets out its absolute terms for its future direction; but, even at that point, the Government opened itself to further consultation, and we are making changes because we have listened. Some of the specific changes I would like to outline for the House are as follows. We will be empowering communities through their councils in a variety of ways—consistent with our pre-election commitments. Councils will be able to modify the statewide complying development code to reflect local character of their areas and include rules around the issues that concern local communities, like privacy, overshadowing, setbacks—issues that were ignored by the former Labor Government.

We recognise that local councils should be empowered to tailor these local requirements for their own local areas; for example, one could imagine that there may be vastly different requirements for an inner-city council area versus what local residents in a regional area might want. To encourage discussion between neighbours, the Government will also require increased notification on behalf of an applicant. Labor left us with the situation where neighbours were given just two days' notice before construction commenced. I emphasise before construction commenced—well after the approval had been given to the application. There was no requirement then for the complying notification to be given to neighbours. We will now require that there be a 14-day notice given to neighbours and another seven-day notice before construction commences.

Whilst the complying codes have existed now for some years and are already being taken up by residents keen to get quicker and less expensive decision-making on their proposed developments, there will be a new form of code-type development referred to as code assessable. I turn now to code assessable pathways. There has been a degree of misunderstanding in some sections of the community about what code assessable actually is intended to achieve. It is not a site-specific approach to planning; rather, it is strategic planning of a larger area and will primarily target areas that are in the expected high growth areas, the areas where most community members can well understand it is logical to have higher levels of growth.

For example, in the areas adjacent to the new North West Rail Link, the South West Rail Link or WestConnex, it is obviously logical and sensible that there will be new growth. Code assessable strategic planning will likely be adopted in these areas. Code assessable development will not be applicable in the usual course to existing, low-density suburbs. In accordance with the Government's empowerment of local communities and their councils, it will be possible that a local community could decide that it wants the benefits of streamlined assessment and possibly new infrastructure in the area, having set the strategic plans and controls it wants up-front with the council. There will be no targets for code assessable developments. The only guide will be as I have just outlined, that is, in areas where councils expect to experience growth. The Government will also be requiring councils to prepare neighbourhood impact statements, similar to environmental impact statements, wherever they intend to introduce code assessable development. Issues like building height, setbacks, traffic, car parking and environmental issues will be considered in detail. [*Extension of time granted.*]

I should make it clear that if a proponent comes along to a site within a code assessable area—in other words, one that has been established by the community—and sees that the community has agreed this particular site can support, for example, a five-storey building, that proponent will not, and I emphasise will not, be able to seek to vary the code assessable limit. If they want to go one centimetre over that limit, they will have to go back to a full merit application. That is an important community protection that has been emphasised to us by communities across the State. I highlight also that the current 35 land use zonings will remain, reflecting the community's desire to retain the current range of zonings. The community voice was heard loud and clear and the Government will ensure yet again that the community's voice will prevail.

The community's voice will also be heard through a public participation charter, which will mandate certain essential aspects that council will have to carry out in preparing local plans. Issues like minimum public exhibition periods, the consideration of local community views expressed through submissions, the publication of reasons for decisions and how community views have been considered will all be mandatory. Appeal rights

as they exist under the current law will not change. Heritage protections will be safeguarded in the way that they currently are; they will stay the same. State heritage and local heritage provisions will be protected. Local councils were concerned about the proposed three-year time limit on spending moneys they receive from developers.

While the Government wants to see infrastructure delivered as soon as practicable as an area develops, we also understand local government's concerns and are looking at an extension of up to five years but with expectations that councils will do the right thing by their communities and deliver the infrastructure as soon as possible. We also heard the message that local government and the community wanted a triple bottom line assessment of development applications, that is, social, economic and environmental, and we will be taking steps to ensure that outcome. In fact, we will be working to ensure that section 79C of the current Act forms the basis of the new legislation. My final message to the community is that the Government is intent on hearing the voice of communities and empowering communities through councils in a variety of ways through the new planning system. It will deliver for everyone in the community.

**Question time concluded at 3.13 p.m.**

### **MR LES WIELINGA, DIRECTOR GENERAL, TRANSPORT FOR NSW**

#### **Ministerial Statement**

**Ms GLADYS BEREJIKLIAN** (Willoughby—Minister for Transport) [3.13 p.m.]: As outlined earlier today the Director General of Transport for NSW, Mr Les Wielinga, recently announced his retirement after four decades of great service to the people of New South Wales. I am pleased that both Les and his wife, Julie, are in the gallery today as we take this opportunity to acknowledge the contribution of an outstanding leader prior to his retirement next week. Les is the consummate professional who has served governments of all political persuasions with great distinction and dedication.

Les was born in the town of Bourke and joined what was then the Department of Main Roads in 1972 as a fresh-faced, 18-year-old undergraduate engineer. His career in transport has taken him all around our State, managing construction of significant pieces of road infrastructure—from Broken Hill to Goulburn, Wilcannia to Grafton, and obviously throughout all the major cities of this State. In 2006 Les accepted the top job of Chief Executive of the Roads and Traffic Authority and in 2009 he was appointed Director General of Transport. Following the last election, Minister Gay and I appointed Les Director General of Transport for NSW where he has continued to serve the people of this State with the utmost dedication and commitment. He has overseen massive reform over this period and I am personally grateful for his stewardship during this time.

Les's experience in managing transport in this State is unsurpassed. I believe his contribution will stand the test of time and the foundations he has laid will benefit successive generations of citizens of our great State. As many in this place would know, Les's disposition is modest and considered but it is underlined by a mighty intellect and a very strong work ethic. For instance, his idea of a holiday is getting in his car and checking out the condition of a local country road. Les is the exemplar of a representative of a robust and dedicated public service. I know I speak for all members of this place, our staff and the public servants with whom Les has worked in saying that we will miss him enormously and we wish him, Julie and their family the very best for the future.

**Mr RYAN PARK** (Keira) [3.15 p.m.]: On behalf of the Opposition I pay tribute to Les Wielinga. We are losing a giant from the public service in terms of his contribution to New South Wales. Les has done so much for the people of New South Wales. Without doubt, he is one of the most hardworking individuals I have come across. The Leader of the Opposition, a former Minister for Transport, the member for Toongabbie and many Labor members have worked closely with him. All of us who have had the opportunity to work with Les are better people as a result of the experience. Les Wielinga's legacy will go on for many, many years.

Les has built and been involved in more motorways than any other individual in the history of the public service. He has invested a lifetime of dedication and commitment to improving transport across New South Wales. He has always given fearless and frank advice to the government of the day, which was not always well received, particularly by Treasury. As a result of some of those battles that Les fought and won, the people of New South Wales are better off today. I pay tribute to Les, his wife, Julie, and their family for their wonderful commitment to the people of New South Wales and to Les's wonderful effort in advancing roads and transport in this State. We wish him all the very best for a happy and healthy future.

## UNPROCLAIMED LEGISLATION

**The SPEAKER:** Pursuant to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 19 September 2013.

## COMMITTEE ON ECONOMIC DEVELOPMENT

### Deputy Chair

**The SPEAKER:** Pursuant to Standing Order 282 (2), I advise the House that on 16 September 2013 Mark Joseph Coure was elected as Deputy Chair of the committee.

## COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

### Chair

**The SPEAKER:** Pursuant to Standing Order 282 (2), I advise the House that on 18 September 2013 Dominic Francis Perrottet was elected as Chair of the committee.

## PETITIONS

**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 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**.

### 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:**

### Beresfield Swimming Pool

Petition opposing the shortening of the Beresfield Swimming Pool season and the reduced operating hours, received from **Ms Sonia Hornery**.

**ENTERTAINMENT INDUSTRY BILL 2013****Consideration in Detail****Consideration of the Legislative Council amendments.***Schedule of amendments referred to in message of 18 September 2013*

No. 1 Page 2, clause 4 (1). Insert after line 33:

industrial court means an industrial court within the meaning of Part 1 of Chapter 7 of the Industrial Relations Act 1996.

No. 2 Page 5, clause 7 (4), note, line 42. Omit "Local Court". Insert instead "industrial court or Local Court".

No. 3 Page 8, clause 13 (4), note, line 21. Omit "Local Court". Insert instead "industrial court or Local Court".

No. 4 Page 9, clause 16, note, line 8. Omit "Local Court". Insert instead "industrial court or Local Court".

No. 5 Page 9, clause 18, note, line 35. Omit "Local Court". Insert instead "industrial court or Local Court".

No. 6 Page 10, Part 2. Insert after line 3:

Division 4 Disputes arising between performer and entertainment industry representatives

20 Disputes may be resolved by Industrial Relations Commission

- (1) If a question, dispute or difficulty arises between a performer and an entertainment industry representative or entertainment industry hirer, the performer, or an industrial organisation acting on behalf of a performer, may apply to the Industrial Relations Commission to have the matter determined by conciliation and, if necessary, arbitration.
- (2) The Industrial Relations Commission may conduct such a dispute resolution process in such manner as the Commission considers appropriate.
- (3) The Industrial Relations Commission may make such orders in relation to such a question, dispute or difficulty as the Commission considers fair and reasonable in the circumstances.
- (4) A person who fails to comply with an order of the Industrial Relations Commission under this section is guilty of an offence.

Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.

No. 7 Page 11, clause 21 (1), line 20. Omit "the Local Court". Insert instead "an industrial court or the Local Court".

No. 8 Page 11, clause 21 (2), line 23. Omit "The Local Court". Insert instead "An industrial court or the Local Court".

No. 9 Page 19, clause 41 (3), line 24. Omit "industrial magistrate". Insert instead "industrial court".

No. 10 Page 19, clause 42 (1), line 29. Omit "The Local Court". Insert instead "An industrial court or the Local Court".

No. 11 Page 20, clause 42 (9), line 15. Omit "the Local Court". Insert instead "the Court".

**Motion by Mr Victor Dominello, on behalf of Mr Mike Baird, agreed to:**

That the House agree to the Legislative Council amendments.

**Legislative Council amendments agreed to.****Message sent to the Legislative Council advising it of the resolution.****GRAFFITI CONTROL AMENDMENT BILL 2013****Second Reading****Debate resumed from 18 September 2013.**

**Mr DARYL MAGUIRE** (Wagga Wagga) [3.20 p.m.]: The Graffiti Control Amendment Bill 2013 will amend the Graffiti Act 2008, the principal Act, to implement certain recommendations arising from the statutory



review of the Act. The bill replaces certain graffiti offences with a new two-tiered graffiti offence and clarifies how community clean-up orders may be made. The bill sets the maximum number of hours of community clean-up work that may be specified in one community clean-up order and makes other amendments of a machinery, savings or transitional nature. There is a consequential amendment to the Passenger Transport Regulation 2007. The bill basically prohibits a person without reasonable excuse from intentionally marking any premises or other property unless the person has obtained the consent of the premises owner or occupier. The basic offence carries a maximum of four penalty units or \$440. Other speakers have outlined the amendments in the bill.

The Act has had several amendments during my time in this place. The former Labor Government introduced amendments, and I spoke in that debate. In an effort to reduce graffiti, that legislation banned spray cans. They were required to be locked behind the shop counter and accessed with a key. I recall saying at the time, "The graffiti vandals will use the wide, coloured markers next"—and that is exactly what happened. Graffiti vandals should be prosecuted as criminals because that is what they are. They deface public and private property, and cause untold expense to property owners, who then have to clean away the graffiti. Some members have suggested during the debate that graffiti is art. That kind of art can be appreciated in the right environment. In order to combat graffiti some councils have provided an area where people can practise their art, and community colleges run competitions and classes that teach people how to be artistic with graffiti.

But I do not support the notion that individuals then have the right to deface private or government property at great expense to the taxpayer. I encourage people to enhance their skills, whether it be through art, music, dance or other creative pursuits such as glass blowing or creating with their hands. There are many aspects of art and culture that we should encourage. But we should also encourage people to respect property and the right of individuals who have invested in bricks and mortar—or a Colorbond fence—to have it remain graffiti free. People whose property is vandalised have a right to seek recompense, have the graffiti cleaned off and see the offender fined. The amount of graffiti along roads such as the M2 or the Pacific Highway is disgraceful. It is removed regularly at a cost of hundreds of thousands of dollars, but a week later it is back again.

I have no sympathy whatsoever for those vandals who are apprehended; we must apprehend more offenders. Tracking tags and encouraging people to report acts of graffiti and vandalism is important. It is also important for the courts to order that graffiti be removed. We are not seeing enough of that at present. The bill assists in the better management of graffiti removal. I welcome the bill and I am sure, Mr Deputy-Speaker, that you will welcome these measures in your electorate. The scourge of graffiti vandalism is a problem in all electorates. Graffiti artists are often transient. Some people say they are kids, but I assure members that those "kids" are a considerable age—some of them are 28 or 30. For them, graffiti is a sport. It is a dangerous sport and a dangerous art to pursue, particularly when people trespass on property along rail corridors and roads. Some graffiti artists have met a terrible end. It is awful for their families—and all because they wanted to destroy people's property.

I have absolute confidence that the bill will improve the management of graffiti vandalism. I ask people to report graffiti. The biggest deterrent for graffiti vandals is to clean it off. People think that leaving graffiti on a fence, bridge or public sign will deter vandals, but it does not. It is like a honeypot: It attracts more vandals and becomes an unsightly mess. More individuals should be prosecuted and made to clean graffiti off walls and buildings. Councils use mechanical equipment for this purpose, and Graffiti Removal Day next month encourages people to clean away graffiti in their communities. But it is those who cause this outrageous expense who should clean up the graffiti. We know from the tags and so-called artwork that the number of graffiti vandals is not great but for some it is a profession—they spend their time wandering around with a backpack, looking for targets and actively destroying, defacing and causing untold and expensive damage to property. I will not go through all parts of the bill because other members have done that adequately, but I confirm that it is welcome. I look forward to seeing more prosecutions for graffiti offences and more individuals being made to clean up their wanton acts of destruction.

**Mr DAVID ELLIOTT** (Baulkham Hills) [3.29 p.m.]: It is apt that the Minister for Citizenship and Communities, Mr Victor Dominello, is at the table during debate on the Graffiti Control Amendment Bill 2013 because, as those members who are readers of history will know, graffiti has its origins in Italy. In fact, the graffiti debate began at the height of the Roman Empire, when Latin critics of the emperors and senators of Rome used graffiti to get their message across—they did not have Twitter back then. But as Mr Victor Dominello knows—

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Baulkham Hills will refer to the Minister by his correct title.

**Mr DAVID ELLIOTT:** The member for Ryde, who is of Italian heritage, knows that graffiti has been present throughout history. It was the first tweet. Graffiti was used to criticise the government of the day. Of course, in this day and age, under Premier O'Farrell and Prime Minister Abbott, I do not know why anybody would want to criticise the Government. But today people use graffiti to criticise not just the government but other institutions. With that in mind, it is a pleasure to support the Graffiti Control Amendment Bill 2013. There can be no doubt that graffiti is a major scourge in our State's urban areas. Graffiti ruins local amenity, destroys civic pride and encourages urban decay. This is in addition to the enormous amount of public, and indeed private, time and money that is wasted cleaning up this petty vandalism. Worse still is the fact that graffiti is frequently a gateway offence. Graffiti vandalism is often the start of antisocial behaviour that can lead to other criminal activities, particularly amongst our youth.

Perhaps the worst thing about graffiti is that it affects every community in New South Wales—not just those with Italian origins. Every community has been scarred by the scourge that is graffiti, and Baulkham Hills is no exception. Our community has not been spared the effects of suburban graffiti. The people of The Hills have few complaints, but graffiti is definitely one of them. Since the last State election my electorate office has been vandalised in three separate graffiti attacks. I for one have had an absolute gutful of this vulgar vandalism—enough is enough. Naturally, I have a tremendous amount of sympathy and empathy for the victims of graffiti vandalism. No-one anywhere should have put up with that kind of public nuisance, and the community demands that we, their elected representatives, do everything possible to eradicate graffiti from our State. At the last State election the people of New South Wales spoke loud and clear: They have had enough of graffiti vandalism. The people of our State gave this Government a very clear mandate to act to reduce graffiti.

As Liberals and Nationals, we on this side of the House wholeheartedly believe in individual responsibility; it is in our ideological DNA. Naturally, this also applies to graffiti. Graffiti vandals have to be held accountable for their actions. If they continue to act against the better interests of the community, they will pay the price. It is almost impossible to imagine that anyone could disagree with this inoffensive position, and yet somehow those opposite manage to. The debate on the 2011 Graffiti Control Amendment was one of the Opposition's most shameful performances to date. I was almost shocked that the shadow Attorney General had the gumption to mention that sorry episode in this debate. In 2011 it was almost amusing to hear members opposite suggest that graffiti vandals were somehow the victims. Clearly, no Opposition member has had any personal experience of graffiti vandalism. Those opposite seem determined to discount the impact that graffiti is having upon communities across the State. The Opposition could not be more out of touch with community sentiment on this issue.

The bill is another example of the Government fulfilling its election commitments when it comes to tackling graffiti. It is the result of the comprehensive review undertaken by the Attorney General's Department into the efficacy of the Graffiti Control Act. While acknowledging that the objectives of the Act are generally being met, the review recommended a series of amendments to improve its operation. The main issue with the current Act is that many graffiti cases are still being dealt with outside the parameters of the Act. Currently, some 75 per cent of graffiti cases are dealt with under section 195 of the Crimes Act—a section that deals with destroying or damaging property. The problem is that this means people charged under section 195 of the Crimes Act are not subject to the remedies and provisions outlined in the Graffiti Control Act. In particular, it means that courts do not have access to the community clean-up provisions in the Act.

This bill goes some way towards ensuring that courts have more access to these innovative provisions when dealing with graffiti vandalism. Under this amending bill, all forms of graffiti will be able to be accommodated under the Act. Importantly, the bill creates two categories of graffiti: a basic graffiti offence and an aggravated offence. The basic offence will prohibit a person from intentionally marking any premises or property unless that person has the consent of the occupier or owner, or has a reasonable excuse for doing so, proof of which lies with the person. For a basic offence the maximum penalty will be a fine of \$440. The aggravated graffiti offence addresses acts of graffiti that are much more severe. In his second reading the Attorney General pointed out:

The aggravated offence recognises that markings that are not readily removable or that are made by graffiti implements are serious.

Cases of aggravated graffiti will naturally incur a higher penalty of a maximum fine of \$2,200 or 12 months imprisonment. This distinction between basic and aggravated graffiti is appropriate and recognises the changing

nature of graffiti vandalism in New South Wales. It is heartening to see that this State is getting serious about graffiti, with tough penalties for aggravated graffiti vandalism. The community has been screaming out for this and the bill provides the relief from graffiti that they are seeking. This is an excellent bill from a Government that is genuinely committed to eradicating graffiti from our State. I reiterate to the House my absolute disgust at the amount of graffiti that occurs in urban New South Wales. I also remind the House that my office was vandalised on three occasions. There has been an outpouring of opposition to the way the Labor Party had been so easy on graffiti vandals. Indeed, when I have debated in the public domain the need for improved graffiti laws there has been nothing but deafening silence from Opposition members. As I said before, that is nothing new.

**Mr Bart Bassett:** They held it up in the upper House.

**Mr DAVID ELLIOTT:** The member for Londonderry highlights the fact that previous graffiti legislation was delayed in the upper House by the crossbench, The Greens and the Labor Party. This highlights the fact that the Labor Party is out of touch. I am going to start referring to the Leader of the Opposition the complaints that I receive from members of the public about the Labor Party's inaction on this issue. I will copy it to the media so that the entire community is well aware of how out of touch the Labor Party is on this issue.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I remind the member for Maroubra that he is on three calls to order.

**Mr DAVID ELLIOTT:** Those opposite cannot sit back and ask themselves why they lose election after election when they cannot even get right something as simple as the Graffiti Control Amendment Bill 2013. I repeat: Graffiti is not new. We accept that. We accept the fact that the Italians were posting graffiti all over the Roman Empire in criticism of their Government—the emperors, senators and tribunes of Ancient Rome. That is not unknown to our members with Italian heritage and I am sure it is something their forefathers were very keen to control. Several Liberal members of Italian heritage in Cabinet have probably had input to this legislation. They want to make sure that, unlike the Italian empire two millennia ago, New South Wales does not have to accommodate this scourge. Even though the Opposition opposes it, I commend the bill to the House and wish the Minister well.

**Mrs ROZA SAGE (Blue Mountains) [3.39 p.m.]:** I speak in debate on the Graffiti Control Amendment Bill 2013 and add my voice about my feelings regarding graffiti and graffiti vandals to the voice of the community. The Blue Mountains community constantly raises with me the issue of graffiti vandalism. Graffiti is vandalism, and it is a crime. The community is sick and tired of seeing property—whether it is public or private—defaced. Graffiti on public and private property sends the message that this is not a good community to live in. Indeed, it sends a message that this is a community that does not care about the place—even though the residents probably do. As I have said before, people marking with graffiti are akin to animals marking their territory, and it is simply not acceptable. This bill makes amendments to the Graffiti Control Act 2008 recommended by the statutory review of the Act.

The review found that the objectives of the Act in reducing and controlling graffiti offences are still relevant, but that certain aspects of the Act have not been effective in achieving those objectives. It recommended restructuring and simplifying offences to facilitate the increased use of the graffiti-specific offences in the Act. The bill amends the Graffiti Control Act 2008 to create a new two-tiered offence of graffiti marking. The first tier is a basic offence, where the graffiti vandal intentionally marks a premises or property without consent; and the second is an aggravated offence, where the vandal uses a graffiti implement in such a way that the mark is not readily removed. Graffiti vandals have become more and more sophisticated in the way that they mark and deface. They are now using scratching implements on glass and plastic surfaces, necessitating costly replacement.

This is apparent to people who travel by train in the Blue Mountains, and is most evident on train carriages, lifts and bus windows. I am a regular train traveller and I have noticed that scratching has become more frequent and widespread. Some train lifts have a coating to protect the glass. This does not stop the vandals but the coating can be replaced, which costs less than replacing the glass. At Blaxland station, where this type of graffiti is most prevalent, shamefully, the vandals have tried to remove the coating. I do not understand what goes on in the minds of the people who deface public places. It makes it very unpleasant for tourists and residents alike. Certainly, most complaints I receive about graffiti vandalism relate to our train system—the carriages, within the rail corridor and at stations. As a high percentage of commuters in the Blue Mountains use the rail network, and because there are 16 train stations, graffiti is a daily part of many of my constituents' lives.

The Blue Mountains not only has homegrown graffiti vandals but also is visited by perpetrators from outside the area—vandals who travel by train along the rail corridors. As a previous speaker pointed out, rail corridors are so dangerous that even people who want to clean up the graffiti are not allowed to go there. Yet the rail corridors are defaced, as are the bridges and the stations. It is not acceptable, and people are absolutely fed up with it. Last year on Rotary Graffiti Removal Day, in which I participated—I will do so again this year—I was told by a person who does a lot of graffiti clean-up work that some vandals add acid to the spray paint and marking pens, thereby leaving the surface etched even after the paint has been removed. That is the degree of the malevolence of some graffiti vandals.

In line with our election commitment to tackle graffiti, the New South Wales Government introduced legislation with mandatory requirements that juveniles who are charged with graffiti offences be brought before a court. We want to impress upon young offenders the seriousness of graffiti vandalism. Additionally, the courts were given stronger powers to sentence offenders to graffiti clean-up orders and the option of imposing driver licence sanctions. The Opposition and some crossbenchers thought that penalty was too severe. But I can tell them that the community is fed up with graffiti and people want to see more severe penalties. The basic offence, as mentioned previously, is in section 6. The amendment removes the requirement that the graffiti be visible from a public place, as the very act of placing graffiti without permission is a criminal offence.

The existing requirement that the mark be made by chalk, paint or some other material will also be removed to capture any new method of marking. The marking provisions will now be added to section 4. Section 6, which also deals with bills posted, will now be amended to prohibit a person fixing a placard or paper on a premises within public view without the owner or occupier's consent. We saw this occurring most blatantly during the Federal election campaign, when posters were displayed on fences, including railway fences, and other places where they should not have been. There was a very active ranger who went around taking them down.

**Dr Geoff Lee:** Good.

**Mrs ROZA SAGE:** Not ours, fortunately. The aggravated offence will require that the marking is not readily removed by wiping or by the use of water or detergent. This captures the current fashion of engraving surfaces, as currently occurs on train carriages, which I described before. This bill will also clarify community clean-up orders. It provides that a community clean-up order may be made on the application of the prosecution, by the offender, or on the court's own motion. This amendment is found in section 9B. The intention is to promote the application of the provisions of the Graffiti Control Act rather than the Crimes Act, as commonly occurs at present in the Children's Court. The bill also clarifies that a community clean-up order may be imposed before or at the time the court imposes a fine, or at any time, but before the fine has been fully paid.

There is an anomaly at present in that provisions of the Graffiti Control Act operate more severely in relation to offenders who have not defaulted on their fines rather than those who have. This comes about as there is no limit on the number of community clean-up hours that can be imposed, but there is a limit imposed on the number of community work hours that can be ordered for an offender who has defaulted on payment of a fine. This means that without a maximum limit of community work hours there is a disincentive for offenders to seek clean-up orders and it does not promote early engagement in clean-up work. Therefore, section 9G is amended to provide a limit on the number of hours that may be specified on any one community clean-up order. Those hours will be 300 hours for an adult and 100 hours for a child, which a child with multiple clean-up orders may carry out concurrently.

At last year's Graffiti Removal Day at Springwood, which was run by Rotary, I was under the supervision of John Oakey, a dedicated volunteer who removes graffiti in the Lower Mountains. The team worked shoulder to shoulder with two older teens from Mount Druitt who were on community clean-up orders. This demonstrates how the system works. They were closely supervised but unfortunately they did not do a terribly good job of cleaning up. In the Blue Mountains we are fortunate to have other dedicated volunteer graffiti removal groups. Tom Colless and Mark Jarvis operate a graffiti removal team at Katoomba with the support of the Katoomba Chamber of Commerce and Community, while Greg Birtles and volunteers clean up in the Mid Mountains.

The Blue Mountains City Council also cleans up graffiti. Graffiti destroys the ambiance of an area. The Blue Mountains is a premier tourist destination and graffiti affects the perception of the safety and the desirability of visiting an area. Graffiti is a cost burden for each and every community. It costs the Blue Mountains City Council \$300,000 to clean away graffiti. This money could be spent on curbing and guttering

and other essential local infrastructure. It costs Transport for NSW a staggering \$55 million to clean up the rail corridor. That work cannot be undertaken by volunteers due to safety concerns. Then there are the road bridges and power poles that also attract graffiti. I share the utter frustration of the community with graffiti and graffiti vandals. This bill will assist further in reducing and controlling graffiti, and I commend it to the House.

**Mr CHRIS PATTERSON** (Camden) [3.49 p.m.]: I support the Graffiti Control Amendment Bill 2013. I have previously spoken in the House about my contempt for those people who illegally vandalise property that is not theirs with graffiti. I have witnessed countless examples of it in my community. I have seen a brand-new fence bordering a housing estate turned into what criminals think is their own personal canvas. They have utterly destroyed and defaced property that is not theirs. These are wanton acts of vandalism and these grubs have complete contempt for the communities in which they live. I have seen firsthand graffiti sprayed directly onto one of my constituent's cars that was parked in her driveway overnight. That probably meant she had to pay the excess on her insurance to have the car fixed and she and her family were obviously without the vehicle for a time. I am sure the grub who committed that crime gave it no thought whatsoever.

Members of our communities try to limit graffiti opportunities for criminals wishing to commit further crimes or, in their heads, "to express themselves". Individuals, businesses and local governments have to waste untold amounts of money each year to clean up this scourge. It is estimated that the cost of this vandalism to our wider community is in excess of \$100 million. Camden Council alone has spent \$100,000 over the past 12 months cleaning up the mess made in our local government area. Individuals who spend time and money on removing and preventing graffiti would be better off spending that time with loved ones and friends. Rather than spending money on graffiti prevention and repairs, our business community would be better off spending it on growing their business. Councils would be better off spending the money they are forced to sink into removing something that should not be there in the first place on sporting and social facilities. Without graffiti our communities would be much better off, financially and socially. Graffiti is an ongoing issue that needs to be addressed and I thank this Government for doing so.

I spoke in support of the Graffiti Legislation Amendment Bill, which gave courts the power to impose orders on young offenders found guilty of graffiti vandalism and to suspend their driver licences, and strengthened provisions dealing with community service orders. This bill will make amendments to the Graffiti Control Act 2008. Those amendments are a response to recommendations in the statutory review of the Graffiti Control Act 2008 undertaken by the Department of Attorney General and Justice. The review found that the policy objectives of the Act remain valid but that certain provisions have not been effective at achieving those objectives. Under this bill, offences under the Act will be restructured and the court's ability to make community clean-up orders will be clarified and strengthened. Lastly, because of the timing of the 2012 amendments, this bill will put in place a new policy that will mean that those amendments will be reviewed in 2015-16, which was not previously possible.

I will detail the amendments that will restructure offences under the Act. The review found, through the NSW Bureau of Crime, Statistics and Research, that the majority of graffiti acts were charged as destroy/damage property under section 195 of the Crimes Act rather than under the Graffiti Control Act. In response to that, the bill will create a new two-tiered offence of marking. A basic offence will now involve a person intentionally marking premises or a property without the owner's consent and an aggravated offence will involve a person doing so using a graffiti implement or in a way that means the mark is not readily removed. The basic offence carries a maximum penalty of \$440 and the aggravated offence carries a maximum penalty of \$2,200 or 12 months imprisonment. The aggravated offence will not require the marking to be made by a graffiti implement. This creates an alternative because the offence can be made out that way but can now include that the marking is not readily removed by wiping or by the use of water or detergent. New graffiti techniques will now be able to be captured in this offence. The current requirement that the marking be made in public will be removed from section 6 because the criminality of the offence relates to the lack of the owner's consent and not whether the public can view it.

This bill creates a standalone offence for posting bills. Currently this offence is included in the offence of marking. A person is prohibited from affixing a placard or paper on premises within view of a public place without the owner's consent. The marking provisions will be moved from section 6 to section 4. The bill will ensure that the court will have the ability to impose a community clean-up order on the offender. The review found that these orders were not being commonly utilised by the children's court because offenders were being charged under section 195 of the Crimes Act instead of under the Graffiti Control Act. This bill clarifies that a community clean-up order may be made on the application of a prosecutor, an offender or on the court's own motion. The intention is to promote the application of these provisions and to clarify that application can be made by any of those parties.

The bill will also clarify that a community clean-up order can be made before or at the time the court imposes a fine on the offender or at any time after the fine has been imposed but before the fine has been paid in full. To further clarify the process, regulations will be made as to the procedure for applying for community clean-up orders. This bill will put a limit on the number of hours that may be specified in any one community clean-up order as it was found in the review that the Fines Act 1996 imposes a limit on the number of work hours that can be ordered against an offender who has defaulted on payment of a fine and that, as a result, the Graffiti Control Act operated more harshly for offenders who have not defaulted on their fines than for those who have. The maximum number of community clean-up hours that can be ordered to be performed is 300 hours for an adult and 100 hours for a child. If a child is subject to more than one community clean-up order then the orders can be carried out concurrently. This amendment ensures the early engagement of offenders in the clean-up work.

I commend this Government for its commitment to reducing graffiti in our communities. Those people who believe it is okay to damage and deface others' properties should now know that this Government has had enough and that it will not tolerate this scourge on our communities. These people need to know that society is sick of the wanton vandalism, the waste of money and the lack of respect that they have for others. To deface somebody else's property is unacceptable and should not be tolerated. As I said, the monetary cost of cleaning up graffiti is in excess of \$100 million. However, it is much, much more than that: it is also the social impact—

**Dr Geoff Lee:** It also has an emotional impact.

**Mr CHRIS PATTERSON:** That is a very good point. We must also consider the emotional impact that graffiti has on those concerned. I say to those grubs who engage in graffiti that it is not acceptable. They should be constructive and get out and do some good for their communities instead of taking part in negative activities. I commend the bill to the House.

**Dr GEOFF LEE** (Parramatta) [3.59 p.m.]: I support the Graffiti Control Amendment Bill 2013. The objective of the bill is to amend the Graffiti Control Act 2008, the principal Act, to implement certain recommendations arising from the statutory review of the Act and to do certain other things. I will not reiterate what my colleagues the member for Baulkham Hills, the member for Blue Mountains and the member for Camden have said because they have done a particularly good job of explaining the required changes. After the review, changes were required to send a clear message that graffiti is not okay and it is not okay to vandalise and destroy other people's property. In that vein, I commend the member for Baulkham Hills, who passionately expressed his views on graffiti. I understand that his electorate office has been subjected to numerous graffiti acts. I do not know why someone in the community would do that, especially when they have such an outstanding local member. I am disappointed that members opposite will not support the bill. What message are they sending—that it is okay to be a vandal?

**Mr Bart Bassett:** A bad one.

**Dr GEOFF LEE:** The member for Londonderry is right. Members opposite are sending a poor message that it is okay to vandalise and destroy other people's property. As we know, graffiti is a serious crime for society, not only economically but also socially and culturally. Graffiti is not an expression of a social conscience; it is a crime. Graffiti vandals are not artists; they are criminals. Hardworking people go to work every day, pay their taxes and do the right thing. They might build a beautiful Colorbond fence or a beautiful house and paint it or they might be small business people who open a shop and have wonderful shop windows. Suddenly, a grub comes along and tags their property, whether by scratching the glass or using spray paint.

**Mr Matt Kean:** Don't forget trains.

**Dr GEOFF LEE:** The member for Hornsby is right. Graffiti on trains is particularly appalling. Recently I was with the Minister for Transport when she announced 143 extra services for Parramatta—a clear winner from the new timetabling. Grubs have scratched their tags onto train windows—it must take them hours. Frankly, these people would be better off getting a life and contributing to society. However, they complain that the Government never does anything for them. No wonder the Government has a limited budget when it spends millions of dollars—some \$20 million—repairing trains because of the criminal activity of these grubs who are destroying, for some unknown reason, the property of hardworking taxpayers.

Graffiti is certainly not artistic expression. There is no such thing as a graffiti artist. Graffiti vandals are criminals. Graffiti is especially predominant in areas such as Parramatta—the capital of Western Sydney—

despite our best efforts to get rid of it. Graffiti detracts from the look and feel of the area. A graffiti vandal tags a spot, then another adds their tag and still another adds their tag and so on. Graffiti is a creeping, insidious crime that affects businesses and locals because it gives an area a poor look and feel. When people see a lot of graffiti they think they are in an unruly area. Graffiti lowers the tone of an area, especially in an aspirational place such as Parramatta that has so many good citizens. That they are subjected to such vandalism is unacceptable in this day and age.

It is also costly to clean up graffiti. Often permanent damage is done to train windows and it is expensive to replace them. Whether the offender has used spray paint, a texta marker or any other implement, removing graffiti costs private residents and businesses a great deal of money. It is an economic problem in that sense. It is also a social problem because of the look and feel it gives an area. People in my electorate often contact me with their feedback. They are sick of the graffiti vandals, these criminals, scrawling their graffiti everywhere. They may think it is cool, but I suggest, as did the member for Baulkham Hills, that they get a life and be more productive.

We need to catch graffiti vandals when they are young because they seem to graduate, get more experienced and commit more graffiti offences. The good people of Parramatta expect better. It is said that we need this legislation. Many other countries do not have these problems. I cannot understand why in a first world nation such as Australia—a highly sophisticated, highly educated and multicultural community—we need to put up with the antisocial criminal behaviour of these grubs, who believe it is their right to express their views by vandalising, destroying and causing degeneration of areas of our city, the transport network and people's homes. This legislation will send a message. We need to send the strongest message to graffiti criminals that it is not okay to deface, destroy or damage other people's property, whether it is private property, a business or government property, with tags purely for self-gratification. For those reasons, I support the Graffiti Control Amendment Bill 2013. Like previous speakers, I would like to send the strong message that graffiti is not okay. These people are criminals and vandals and we should do everything possible to punish and to stop them.

**Mr MATT KEAN** (Hornsby) [4.06 p.m.]: I am delighted to support my colleagues the member for Parramatta, the member for Baulkham Hills, and many others on this side of the House who are committed to cracking down on graffiti vandalism in our community. We are committed to ensuring that we crack down on this scourge, which is costing the community about \$100 million per annum. It is also costing the community in terms of the amenity and character of our suburbs. The O'Farrell Government came to office in 2011 having made a commitment to do something about graffiti vandalism. What have we seen? Attempts by the Government to do something have been thwarted by members opposite, who do as they always do.

**Mr Michael Daley:** We are supporting the bill.

**Mr MATT KEAN:** The member for Maroubra has come around and will support the amendments we are proposing. I remind him of what Labor members did in the upper House when we introduced the initial measures to get tough on graffiti vandals. They did what they know best; they jumped into bed with The Greens to block the legislation and to give graffiti vandals the green light to deface fences, buildings and trains and to ruin the character and amenity of our suburbs through this senseless act of vandalism. Time and again we have seen Labor members do deals with The Greens to thwart the wishes of the broader community, which wants to see action taken on graffiti vandals. I invite the member for Maroubra to visit Hornsby and to explain to my community why his party did a deal with The Greens to give the green light to graffiti vandals to continue to ruin our community. It is not on, and that is why I am supporting the amendments proposed by the Attorney General.

Recently, the Attorney General's Office undertook a statutory review of the Graffiti Control Act. The review found that the policy objective of reducing and controlling graffiti offences remains valid. From that review we note there is no accepted definition of graffiti. Community perceptions of it vary. Some members of the community consider certain types of graffiti artistic. However, it is clear that a large proportion of graffiti is considered ugly and offensive by the community; and the Government is committed to tackling this problem. Not only is it committed to tackling the problem, it is also taking steps to do something about graffiti. Graffiti is a costly problem. In addition to the financial costs associated with the clean up of graffiti and the use of surfaces that are resistant to graffiti, the chemicals used in graffiti and its clean up are costly and harmful to the environment. It remains important from a policy perspective to have a clear and distinct set of offences in relation to graffiti to reflect its seriousness and to facilitate proper monitoring of graffiti offending. The statutory review found that the Act could be improved to better achieve the objective.

The review noted that statistics from the NSW Bureau of Crime Statistics and Research showed that the majority of graffiti acts—approximately 75 per cent of them—were charged as destroy/damage property under section 195 of the Crimes Act rather than under the Graffiti Control Act. The review recommended restructuring and simplifying offences to facilitate increased use of the graffiti-specific offences under the Act. The bill will amend the Graffiti Control Act 2008 to create a new two-tiered offence of marking. The proposed amendments provide for a basic offence where a person intentionally marks a premises or property without the owner's or occupier's consent, and an aggravated offence where a person does so using a graffiti implement or in a way that means the mark is not readily removed. The maximum penalty for the basic offence is four penalty units, which is a fine of \$440, and the aggravated offence carries a maximum penalty of 20 penalty units or 12 months imprisonment. The basic offence is currently found in section 6 of the Act, which also deals with bill posting.

The existing offence requires that the graffiti be visible from a public place. This element has been removed to reflect the criminality of marking offences which, as noted by the statutory review, relate to the lack of consent and not the graffiti's public visibility. The existing requirement that the marking be made by chalk, paint or some other material will also be removed. Unlike the current offence in section 4 of the Act, the proposed aggravated offence does not require the marking to be made by a graffiti implement. The offence can be made out in this way; however, the amendments introduce an alternative—that is, that the marking is not readily removed by wiping or by the use of water or detergent. This new two-tiered offence will be flexible enough to capture new methods of marking graffiti that arise in the future.

The bill also amends section 6 of the Act to create a standalone offence of posting bills. This is currently an offence under section 6 of the Act; however, the section currently also extends to marking. The reforms will remove the marking provisions and they will now be captured by the amended section 4. Section 6, as amended, prohibits persons affixing a placard or paper on a premises within view of a public place without the owner's or occupier's consent. The maximum penalty is four penalty units, being a fine of \$440. These amendments will facilitate the appropriate charging of graffiti offences under the Graffiti Control Act. This will ensure that the court has the ability to impose a community clean-up order on the offender. It will also enable collection of accurate statistics on graffiti offences and the penalties imposed for such offences.

The bill also contains amendments clarifying and strengthening the court's ability to make community clean-up orders. The bill amends the Graffiti Control Act 2008 to clarify and strengthen the ability of the court to make community clean-up orders. The statutory review found that these orders were not commonly utilised by the Children's Court because offenders were being charged under section 195 of the Crimes Act rather than under the Graffiti Control Act. The review recommended clarification of certain provisions relating to the imposition of community clean-up orders. The amendments to section 9B clarify that a community clean-up order may be made on the application of a prosecutor, an offender or on the court's own motion. The intention is to promote the application of this provision, and its availability can be raised by any of those parties. The amendments to section 9B also clarify that a community clean-up order can be made before or at the time the court imposes a fine on the offender or at any time after the fine has been imposed but before the fine has been paid in full.

The bill provides that regulations may be made as to the procedure for applying for community clean-up orders, to further clarify the process. Currently, under the Act there is no limit on the number of community clean-up hours that can be imposed. However, the statutory review noted that the Fines Act 1996 imposes a limit on the number of work hours that can be ordered against an offender who has defaulted on payment of a fine. The statutory review therefore concluded that these provisions of the Graffiti Control Act operate more harshly in relation to offenders who have not defaulted on their fines than those who have. Accordingly, the amendments to section 9G provide a limit on the number of hours that may be specified on any one community clean-up order. The maximum number of community clean-up work hours that can be ordered to be performed is 300 hours for an adult and 100 hours for a child. Where a child is subject to more than one community clean-up order, those orders can be carried out concurrently. The statutory review found that the absence of a limit on the maximum work hours that can be imposed on an offender means that the current system creates a disincentive for offenders to seek community clean-up orders and does not promote early engagement in clean-up work. The proposed amendments to the provisions governing imposition of community clean-up orders will clarify the existing regime and promote early engagement of offenders in community clean-up work.

There will be a further review of the Act. During the 2011 election campaign the Government made a commitment to tackle graffiti in local communities. Every day of the week I see in my community examples of graffiti crime. I know the cost to the council and the community of cleaning up graffiti. It is excessive. As I have



said, it costs the State almost \$100 million a year to clean up graffiti that blemishes communities across the State. That is why we need to take measures to address this issue to ensure that people think twice before they commit such acts of vandalism. Graffiti is unacceptable to the community, and this Parliament must take a stand. That is why we were so appalled by the actions of The Greens and the Labor Party earlier this year in the upper House, when they combined to give the green light to graffiti offenders to vandalise private property and trains. Having been to a recent local area command meeting, I know that the majority of offences in the Hornsby area involve trains parked in the Hornsby train yard. The command notes an offence when it finds graffiti in the yard. The cost to our community is excessive and we must do something about it. It is about time the Labor Party and The Greens joined with the Coalition to take decisive action to fix this problem once and for all. It has been going on for too long, it is costing the community too much, and we are all sick of it.

**Mr ROB STOKES** (Pittwater—Parliamentary Secretary) [4.16 p.m.]: I will make a brief contribution to the debate on the Graffiti Control Amendment Bill 2013. I will not go over the provisions of the bill in any great detail because other members have already done so. I agree with many of the contributions made by my colleagues on the Government side, and I share their anger about the impact that illegal graffiti is having in communities across the State. In the case of my local community, Pittwater Council spends more than \$40,000 a year on graffiti removal and Warringah Council spends even more. This does not include the cost, waste of time and inconvenience imposed to the private owners who are forced to clean graffiti off their properties.

Graffiti is a scourge on our community. It is a great concern that the Opposition in the other place has sought to stop sensible amendments to our graffiti laws being made in this Parliament over the past year or so. I note that the bill before the House makes some necessary and sensible amendments to the principal Act following the review to which other members have referred. I will make two simple points, the first in relation to penalties. Obviously, we must ensure that there is appropriate access to clean-up orders and that that penalty is available to courts. In many cases fines will be an inappropriate penalty to impose on graffiti offenders. Clean-up orders have a greater nexus with the offence and are a far better expression of community justice. Certainly, my local community would like to see graffiti vandals forced to clean up the mess that they make.

Comments have been made by members and in the media about criminalising chalking by children. Clearly, that is a ridiculous argument. Graffiti laws are a codification of certain torts, such as trespass and nuisance. An element in proving any tortious offence is that the interference with property, in the case of nuisance, must be substantial and unreasonable. Drawing a hopscotch square is neither substantial nor unreasonable and in no way would a prosecution be sustained. In fact, a prosecuting authority, such as the police, would not even consider making that punishable by law. However, this identifies the need for the aggravation provisions in this bill. Sometimes graffiti is just a minor nuisance and can be washed off with water, but etching implements cause serious damage that is expensive to repair. Those aggravation circumstances should be taken into account. I strongly support those elements of the bill.

All sorts of incidental things contravene elements of our laws but are not subject to prosecution. One ridiculous example would be if a child were to relieve themselves in the ocean; that would constitute a pollution offence under the Protection of the Environment Operations Act. Will we really prosecute that case? Of course not. It is ridiculous for members opposite to suggest that we will go after children for chalking hopscotch squares on a footpath. Clearly, that is not supported by any reasonable understanding of the law. I commend the bill to the House.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [4.21 p.m.], in reply: I thank the members representing the electorates of Liverpool, Campbelltown, Sydney, Myall Lakes, Fairfield, Londonderry, Lake Macquarie, Gosford, Mulgoa, Cabramatta, Tamworth, Drummoyne, Menai, Wollondilly, Northern Tablelands, Smithfield, Cronulla, Balmain, Wagga Wagga, Baulkham Hills, Blue Mountains, Camden, Parramatta, Hornsby and Pittwater for their contributions to the debate. I shall address some particular matters raised by members. The shadow Attorney General and member for Liverpool raised a concern that the heading of item [5] of schedule 1 should refer to section 8B (5) rather than section 8B. The wording of this item makes it clear that the amendment is to subsection (5) and does not need to be clarified.

The member for Sydney expressed concern that temporary markings are considered a graffiti offence. He then referred to the rainbow crossings that have appeared on Sydney streets and footpaths, implying that such markings should attract some sort of special status under the law. Markings made without permission of the owner constitute an offence, regardless of the offender's motives. Such markings would be an offence under the current law, and that would not change under the proposed amendments. It is important also to note that those who mark roads for whatever reason place themselves and others at risk of serious injury. The member for

Sydney raised concerns also about whether children who chalk hopscotch squares on the footpath would be committing an offence. Police would be unlikely to lay such a charge. It should be noted that that is not part of this amendment. Offences covering the use of chalk to mark places, including footpaths, have existed for many years under this legislation and its predecessor. It is important to note that the age of criminal responsibility is 10 years and that the principle of *doli incapax* means that a child aged between 10 and 14 years is presumed incapable of committing a crime because he or she lacks the necessary criminal intention. Of course, that can be rebutted.

It is important also to note that, as with all offences, some level of police and prosecutorial discretion is required to ensure that only appropriate cases are brought before the courts. In summary, unauthorised chalk markings already constitute a graffiti offence; however, we have confidence that police will continue to use their discretion appropriately. I have never heard of anyone being prosecuted in New South Wales for marking a footpath with chalk, particularly a child. The member for Balmain raised the issue of whether a person who placed a sticker on an object could be guilty of the proposed aggravated marking offence and be liable to be imprisoned for 12 months. Only the proposed aggravated marking offence carries a term of imprisonment. The aggravated offence applies only where the marking is not readily removable by wiping or by using water or detergent. It may be the case that the aggravated marking offence would be made out where the adhesive on a sticker is particularly strong. However, it is important to note here that the bill retains the restraint on imposing a term of imprisonment for the offence currently in the Act.

Proposed section 4(4) provides that a court cannot sentence a person to imprisonment unless satisfied that the person has committed a number of graffiti offences or offences involving possession of a graffiti implement so as to be a serious and persistent offender and likely to commit such an offence again. However, in most circumstances a person who places a sticker on premises within public view and without consent will be guilty of the bill-posting offence contained currently in section 6(a) of the Act and remade by this bill into a stand-alone offence. The maximum penalty for the bill-posting offence is four penalty units, that is, \$440. The person cannot go to jail for that offence. This bill implements important reforms to the Graffiti Control Act 2008, which were recommended by the statutory review of the legislation. The bill restructures and simplifies graffiti offences and clarifies the operation of the community clean-up order provisions in the Act. The Government considers that these amendments will improve the operation of the Act and assist in combating the scourge of graffiti in our community. I commend the bill to the House.

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

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mr Greg Smith 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! Government business having concluded, the House will now consider the petition signed by 10,000 or more persons.

### **ULAN AND COPE ROADS UPGRADE**

#### **Discussion on Petition Signed by 10,000 or More Persons**

**Mr ANDREW GEE** (Orange) [4.27 p.m.]: Today is a historic day: it marks the first time a petition exclusive to the Mudgee and Gulgong region has been debated in this House. This petition, driven by Colleen Holland, who is in the gallery today, calls for the upgrade of Ulan and Cope roads near those towns. Exactly 11,166 people signed this petition—an extraordinary number when one considers Gulgong's population is about 2,500 people and Mudgee's population is about 10,000. I am proud to speak on this issue in this House on behalf of my concerned constituents. The passion felt about this issue cannot be denied or underestimated. The people

of Mudgee and Gulgong have made their voices heard: they want these roads improved, upgraded and fixed. For the benefit of members, I shall take a moment to explain the petition. The region has been in the midst of a mining boom with a number of mines in the area, including the Ulan, Moolarben and Wilpinjong mines. Other mines are on the drawing board.

Cope Road is the main service road between Gulgong and Ulan, and Ulan Road connects Mudgee with these mines. Of the 45 kilometres of Ulan Road, approximately 25 kilometres meets Austroads' guidelines for traffic volume. The cost of those upgrades was met by the Mid-Western Regional Council. A further 20 kilometres remains to be upgraded. Ulan Road is narrow, as is Cope Road, but a large amount of traffic uses it. The public want it upgraded and made safe; it should be upgraded and made safe. Parents of mineworkers have asked me directly to make the road safe for their children to travel to and from work. There can be no argument that the mines should contribute to the cost of the road upgrade. Similarly, the Mid-Western Regional Council does not shirk its responsibility in paying its share. However, the reason the issue of who should pay what has taken so long to resolve can be laid at the feet of the previous Labor Government. Rather than insisting that a figure for the upgrade be agreed to and paid before the approval of the mines, the previous Government approved the mines and left for another day the question of who was to bear the costs. Of course, this led to disputes and protracted negotiations. This flawed Labor process led the Director General of Planning to recently find that the cost of the upgrade was \$33.5 million, of which the mines were to pay 60 per cent and the council 40 per cent.

I should note that I do not agree and am disappointed with the director general's assessment, as I believe the mines should be shouldering a larger burden of the cost. Indeed, today I invite them to do so. After all, the roads would not need upgrading were it not for the mining activity in the area. This petition also asks that the State Government use funds allocated for mining-affected communities for these road upgrades. It asks that the State Government put royalties back into the regions. This of course is a reference to the New South Wales Government's Resources for Regions program. The Mid-Western Regional Council has made an application for up to \$2 million for the Ulan Road upgrade from the Resources for Regions program, and I fully support that application. The Mudgee and Gulgong regions, and the Mid-Western Regional Council in particular, are struggling to cope with the infrastructure demands brought about by mining activity.

Ulan Road and Cope Road are a classic case of the increased burden on local government infrastructure which has come about as a result of the effects of mining. Other Mid-Western Regional Council projects shortlisted under the first round of this year's Resources for Regions program include \$16.5 million for the Caerleon housing development, \$2 million for the Ulan Road upgrade and \$1 million for Mudgee airport. Those priorities have rightly been submitted by the council. The first round of projects will be worth \$40 million and the second round will be worth \$80 million. The petition also asks that Ulan Road be converted from a regional road to a State road as a matter of urgency. To be honest, I do not think the community cares too much who owns the road. They just want it fixed.

I point out that the Roads and Maritime Services provides funds to councils each year to maintain and repair regional roads. This financial year the council will receive \$2.574 million in funding. In addition, in the last budget the New South Wales Government secured \$1.56 million in Federal funding for upgrades of the Ulan and Cope roads. With a new Government in Canberra, we are hoping that a new era of cooperation for our regional roads has started. I and other members representing electorates in the west will work closely with our Federal counterparts in an effort to secure even more funding. I take this opportunity to thank Colleen Holland and her supporters, who worked tirelessly for many months to bring this issue to the floor of the New South Wales Parliament. They are true community champions. In addition, I thank and acknowledge all those who took the time to sign the petition. The will of the people of the Mudgee and Gulgong region has been heard loud and clear in this House today. These roads need fixing. Let us find a way to get it done.

**Mr RICHARD AMERY** (Mount Druitt) [4.32 p.m.]: I will make a brief contribution to the debate on the petition presented to the Parliament today. Mount Druitt is, of course, a long way from Mudgee, Gulgong, Ulan and the mining industry in that area. However, I am reasonably familiar with the region and many years ago I travelled on the Ulan Road a number of times. Therefore, I understand the concerns of the general Mudgee-Gulgong community about the condition of the road. The member for Orange acknowledged the efforts of Colleen Holland in gathering more than 11,000 signatures. I have brought to the House a petition of more than 10,000 signatures about the Mount Druitt Hospital ward closure and I have seen other members bring similar petitions. Generally, petitions with more than 10,000 signatures are generated from highly populated areas such as mine in Western Sydney. Indeed, I remember one about palliative care from the North Shore. The point I am making is that it is difficult to get 10,000 signatures.

So the relatively small communities of Mudgee and Gulgong certainly deserve the recognition of this House for gathering more than 11,000 signatures. It is a fantastic effort and I am sure the member for Orange is very proud that his community was able to produce a petition of this size involving a road in the area. Ulan Road has a long history. This old road was managed by the local council and was designed to cater to the small country and farming communities. It was not designed to handle the heavy traffic involved with the mining industry. Back in the 1980s I remember the then Wran Government acknowledged the mining industry in that part of the State with an extension to what is now known as the Ulan railway line. Premier Neville Wran, along with many other members, visited the region to open that extension of the line, which I think went from Ulan to Gulgong.

The issue of the day was that the new rail line must adapt to the growing needs of the mining industry and meet increased volumes of traffic and heavy product. I remember when I attended the reception that day a number of local government representatives spoke about the impact that the mining industry would have on the road. I was pleased to listen to the concerns expressed in the petition. I, of course, reject the comments of the member for Orange that this problem was caused by the former Labor Government; it seems to be a regular theme of Government members. Heavy vehicle traffic is a challenge for many areas, including areas around Goulburn, Tarago and Canberra, where heavy vehicle traffic from mining or waste disposal facilities causes damage to rural roads designed to carry only light traffic from small country and farming communities.

The member for Orange is quite correct. I do not think the residents and the 11,000 people who signed the petition really care whether the mining industry will contribute 60 per cent and the council 40 per cent towards the upgrade. The solution may be to get people around the table and seek to have the road declared a State road through the Roads and Maritime Services, which then can extract funds from council and the mining industry. Without doubt, the mining industry should pay a substantial amount towards fixing the road as it is responsible for causing the damage; everyone acknowledges that. The fact that the mining industry thinks the formula is fair might suggest it is getting a pretty good deal. The Government should listen to the petitioners and consider declaring the road a State road and then use its authority and that of the Minister to bring the parties together around the table to ensure that the road is funded for the benefit of the region and the safety of all those who use it.

**Mr STUART AYRES** (Penrith—Parliamentary Secretary) [4.37 p.m.]: I make a contribution to the discussion on this petition and acknowledge the work of local residents in gathering signatures for what is a sizeable petition. I know that the member for Orange has been a passionate advocate of this road and will continue to be, even after the petition has been heard in the Parliament. Ulan Road is a regional road under the care of the Mid-Western Regional Council. It connects Mudgee and the Golden Highway. It plays an important role in connecting many of the mining sites in and around the Orange and mid-western area. The reclassification of Ulan Road was considered as part of a statewide review of road classifications between 2003 and 2007. Following this review the independent panel did not find justification to change the classification of Ulan Road to a State road. I am sure that the member for Orange will continue to advocate that the key point is about finding the resources and revenue to ensure that the road is fixed rather than participating in an ongoing debate about who has responsibility for the road.

The upgrading of Ulan Road was a condition of consent required by the Department of Planning and Infrastructure for the approval of the operations project. A number of those mines and the Roads and Maritime Services were not involved in the decision-making process or the conditions of consent. After a long and complex dispute resolution process, the Director General of the Department of Planning and Infrastructure recently ruled that mining companies should pay \$20.2 million, or 60 per cent, and the council should pay \$13.3 million towards the implementation of a strategy to fix the road.

Regardless of the classification of this road, it is important that the residents in this particular district of New South Wales are aware of the funding opportunities that exist. I understand that the member for Orange is working on sourcing funds from the Resources for Regions program to ensure that funds are allocated to roads such as Ulan Road. He will continue to advocate for funding for those roads. I inform those who signed the petition that in 2012-13 the Mid-Western Regional Council received \$2.47 million from the State Government in a general block grant and \$300,000 in repair funding. The latter amount was specifically allocated for Ulan Road. This financial year the council will receive \$2.274 million in general block funding and another \$300,000 to continue repair work on Ulan Road. I am sure it will continue to be a pressing issue for local residents.

**Mr ADAM MARSHALL** (Northern Tablelands) [4.40 p.m.]: I make a brief contribution to debate on this petition. I acknowledge and commend those who signed the petition; they should not be forgotten. As the

member for Mount Druitt said, a petition with 10,000 or more signatures from these communities—and having driven through them a number of times I know them reasonably well—is an extraordinary effort. I commend the member for Orange for his comments and his passion for his area. This is an important issue not just for the people who signed the petition but for everyone across rural New South Wales. As a former mayor of Gunnedah Shire Council, I am familiar with the deteriorating effect that the increased mining activity can have on local and regional roads. The member for Tamworth is doing a good job in representing the needs of his community to ensure that they receive the resources they need to upgrade the roads.

It is important that these issues are accorded the respect they deserve when they are brought to Parliament. It is not an unreasonable request that Ulan Road be upgraded. I join with the member for Orange to invite the mining companies to make a contribution through a voluntary planning agreement or an associated agreement to voluntarily upgrade the roads. They are corporate citizens and the impact of their mining operations is causing the need for the upgrade. I commend the member for Orange for being a passionate advocate for his region and trust that today's debate will result in a positive outcome for its residents.

**Discussion concluded.**

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! Prior to calling on community recognition statements I want to reinforce statements I have made in recent weeks. The time set aside for community recognition statements is 15 minutes in total. I will first give the call to members who have not made a community recognition statement at this sitting. If there is time before the expiry of the 15 minutes I will then give the call to members wishing to make a subsequent statement.

**COMMUNITY RECOGNITION STATEMENTS**

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**CARROLL PUBLIC SCHOOL ARTS PROGRAM**

**Mr KEVIN ANDERSON** (Tamworth) [4.43 p.m.]: I congratulate Carroll Public School on its 2013 New England Excellence in Education Award for its transition program, The Arts. The Magical Musos to Maestros program commenced at the start of 2010. Assisted by the Gunnedah Conservatorium of Music, the school employed tutors in drums, piano, violin and guitar who provided quality tuition and workshops; professional guidance in live performances was provided for staff members. With the support of the Gunnedah conservatorium, the local teachers now run the classroom programs. I pay tribute to those who have been awarded for their excellence and acknowledge the fantastic contribution that our teachers and staff make in public schools every day. The Carroll community has provided fantastic support and it deserves to be congratulated. I specially mention and thank Mrs Christine Patison, Principal of Carroll Public School, for initiating this fantastic program.

**AUSTRALIAN OPALS BASKETBALLER JENNIFER SCREEN**

**Ms SONIA HORNER** (Wallsend) [4.44 p.m.]: Newcastle's sporting history is standing in good stead with the selection of Jenni Screen for the Australian Opals basketball team. Sport is a crucial part of the Australian way of life. Ms Screen, a proud Novocastrian and two-time Olympic medallist, will play against the New Zealand Tall Ferns. Newcastle citizens are extremely proud of our sole representative on the team and wish her and her teammates all the best.

**BUNGWAHL PUBLIC SCHOOL**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.45 p.m.]: I inform the House that Greg Kelly, a teacher at Bungwahl Public School, has been awarded a Commonwealth Bank Foundation Teaching Award worth \$10,000. The award will expand the school's financial literacy projects. For several years students at Bungwahl Public School have been growing, cooking and sharing food. They have transformed their loss-making canteen into a profit-making venture by selling wholesome, home-grown and hand-made food. This award will enable a Sustaining Sustainability program to be implemented where students take responsibility for the financial sustainability of the school garden, maintain financial records and develop projects to maximise the garden's profitability. I congratulate Mr Kelly and the innovative program he will manage for the benefit of the students at this small and wonderful public school.

### **LIVERPOOL ELECTORATE COMMUNITY PROJECTS**

**Mr PAUL LYNCH** (Liverpool) [4.46 p.m.]: I recognise the official opening on Saturday 31 August of the Food4Life Market and the People's Shed Social Enterprise Hub. The new facilities, located at Busby, close to Miller Shopping Centre, consist of two sheds connected by an awning. I am particularly interested in this facility because \$104,500 was provided to it on my assessment in the 2010 Community Building Partnership program. As members would appreciate, that money was a substantial proportion of the Community Building Partnership funds that were available to the electorate that I represent, but that reflects the importance of the project. The grant application was made by the Salvation Army and the facility is their property.

The Food4Life Market component replicates a similar successful project at Warwick Farm. It focuses on food security for all residents to allow everyone access to nutritious and affordable food. I note that 12 per cent of all residents in the 2168 postcode area report some level of food insecurity. The People's Shed Social Enterprise Hub has a Men's Shed and an Artisan Shed component. There has been involvement in this project not just from the Salvation Army but also the Liverpool City Council and the Community 2168 Project—of which I am on the management committee. The volunteers of the Food4Life Project and the Men's Shed participants are central to these projects. This is an important project for the electorate I represent.

### **WOLLONDILLY ELECTORATE MAYORAL ELECTIONS**

**Mr JAI ROWELL** (Wollondilly) [4.47 p.m.]: I inform the House of the recent mayoral elections in our region. I am fortunate to have four great councils: Wollondilly, Wingecarribee, Campbelltown and Camden. They have all held this year's round of mayoral elections. Col Mitchell, the hardworking outgoing mayor of Wollondilly, presented me with an award of service this week. His replacement is Benn Banasik, who is the current deputy mayor. He will be the youngest mayor of Wollondilly. The new deputy is my good friend Lou Amato. Wingecarribee has returned Mayor Juliet Arkwright and Deputy Mayor Larry Whipper for a second consecutive time. What a team they make.

In Campbelltown the outgoing mayor is Sue Dobson, a mayor focused on the community. Sue presented me with the keys to the city. George Greiss is the rising star of Campbelltown. The new team is Mayor Clinton Mead, who is well versed in procedure, and Paul Lake returning to the deputy role. His focus is on sports. At Camden Council, Mayor Lara Symkowiak has been returned and Peter Sidgraves is the outgoing deputy. Penny Fischer, the current Macarthur Regional Organisation of Councils president is the replacement deputy. I am honoured to work with all the councillors. I take this opportunity to thank the outgoing teams for their hard work and success and congratulate the new ones, knowing that our region is well represented. I look forward to working with each of them.

### **PLUMPTON HIGH SCHOOL AWARDS FOR EXCELLENCE**

**Mr RICHARD AMERY** (Mount Druitt) [4.48 p.m.]: On Friday 13 September I had the pleasure of attending the Plumpton High School presentation day for year 12 students. The presentation, entitled "Awards for Excellence", was conducted under the control of Peter Ezzy, Acting Principal. I congratulate the school on once again turning out a fine body of students who will no doubt contribute in a positive way to the local community. This House should note the role of the outgoing school leaders in enhancing the representation of this school. I wish all the school leaders the best for their future endeavours. In particular, I recognise the outgoing school captains, Emma Stylli and Kristian Jimenez, and their team of school leaders. I witnessed the induction of new school leaders for 2014. Tayla Meath and Adeel Shams were elected the girl and boy captains of Plumpton High School. I am sure they will continue the practice of previous captains and do Plumpton High School proud.

### **LITTLE RIVER LANDCARE GROUP**

**Mr ANDREW GEE** (Orange) [4.49 p.m.]: I draw the attention of the House to the Little River Landcare group of Yeoval that recently celebrated a huge success, being announced as the New South Wales Qantas Landcare Innovative Community Group Award winner during the 2013 New South Wales Landcare and Catchment Management Forum in Newcastle. The awards celebrate individual and community volunteer projects that have made significant contributions to the environment and local communities around the State. Little River Landcare was selected for its unique approach towards the management of its landscape and community and its out-of-the-box thinking towards its structure and function. The judges were impressed with the way the group addressed social issues, all of which have a direct impact on land care.

Congratulations go to Chief Executive Officer Pip Job, Chairman Nigel Kerin, Vice Chairmen Alf Cantrell and Don Bruce, Secretary Andrew Vaughan, Treasurer Allan Dive, Office Manager Michelle Gianisis and Project Manager Mel Kiel. Chief Executive Officer Pip Job said the win was a massive acknowledgement of the vision created by past and present committees and the wonderful work undertaken by the landholders of the Little River catchment. Little River Landcare strives to address the needs of the catchment and deals with issues that are not only environmentally driven but also socially and economically driven.

### **HOUSING NSW NEIGHBOURHOOD ADVISORY BOARDS**

**Mr ALEX GREENWICH** (Sydney) [4.50 p.m.]: I acknowledge the contribution of Housing NSW tenants who stand for election and participate in their local neighbourhood or estate advisory boards, meeting regularly with police, council and Housing NSW officers to identify and solve local problems. Board members give up their time to listen to and consult their neighbours, to learn about the various bodies that can help address problems and keep pushing ongoing concerns to get long-term solutions where short-term fixes have not worked. I commend those involved for the neighbourhood advisory boards in my electorate including Surry Hills, Woolloomooloo and Millers Point. I am particularly proud of the neighbourhood advisory boards that have carried out safety audits to make sure their buildings and precincts are safe for more vulnerable tenants and those who find it hard to get around or to speak about their concerns. These volunteers contribute to a safer and stronger community and make their precincts more liveable and healthier.

### **TRIBUTE TO NEVILLE AND DOT BURLEY**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [4.51 p.m.]: I congratulate Neville and Dot Burley who have been helping others in need as part of the Port Macquarie Meals Service for 15 years. The Port Macquarie Meals Service is part of the Meals on Wheels service, which this month is celebrating its sixtieth anniversary. Both in their seventies, Neville and Dot continue to serve the community, tirelessly providing nourishing meals and a friendly smile to seniors and the infirm. The Burleys do this simply because, in their own words, "It's nice to do something for the community." Thank you to Neville and Dot Burley for their 15 years of volunteer service. They are both a shining example to all in our community of the spirit of giving and caring for others.

### **TRIBUTE TO PROFESSOR JIM WALMSLEY**

**Mr ADAM MARSHALL** (Northern Tablelands) [4.51 p.m.]: I acknowledge and congratulate former University of New England Chair of Geography and Planning Jim Walmsley, who has received one of the most prestigious awards in national geography, the Griffith Taylor Medal. The emeritus professor who taught and researched in the former Department of Geography and Planning at the University of New England for almost 40 years, has been awarded the medal in recognition of his international reputation as a researcher, innovative and passionate teaching of the discipline and his leadership of the Institute of Australian Geographers, which he chaired from 2006 to 2008. In receiving the Griffith Taylor Medal for 2013, Professor Walmsley fittingly joins an elite group that has played a major role in shaping the teaching, research and leadership of geography nationally and internationally.

### **THE HILLS RURAL FIRE SERVICE**

**Mr DAVID ELLIOTT** (Baulkham Hills) [4.52 p.m.]: The tremendous contribution made by the 54 Rural Fire Service volunteers from The Hills has recently been recognised by the awarding of their long service medals. These steadfast volunteers should be congratulated on accumulating an astounding 1,039 years of service between them. It was an honour and a pleasure to be able to present these dedicated volunteers with their well-earned medals. I would particularly like to acknowledge the amazing service of Lionel Smith. Lionel has been a Rural Fire Service volunteer in The Hills for over 67 years. He started the year the member for Mount Druitt was elected. Lionel's loyalty and dedication is beyond remarkable. I am sure that all members will agree that Lionel has made a truly wonderful contribution to his community. I once again congratulate the 54 Rural Fire Service volunteers on receiving their medals and thank them all for their service.

### **NORTH NOWRA COMMUNITY WALK AGAINST VIOLENCE**

**Mr GARETH WARD** (Kiama) [4.53 p.m.]: I congratulate local residents Susan Evans and Nicole McCann who on Monday 2 September organised a community walk against violence in Page Avenue, North Nowra. More than 300 local Shoalhaven residents united in a walk against violence in support of 76-year-old Francois Beugels, who was brutally bashed and kicked on the ground during his daily walk a week prior to this

event. I am pleased to report that the offenders have been arrested and charged by police and are facing serious penalties. People from as far away as Culburra Beach joined the walk. It left from the North Nowra Tavern on Pitt Street along Page Avenue and back again. It was a great example of the local community coming together to reject this kind of violent behaviour and to promote the need to keep an eye out for elderly and vulnerable neighbours.

### **RICHMOND CLUB MAX POTENTIAL PROGRAM**

**Mr BART BASSETT** (Londonderry) [4.54 p.m.]: I acknowledge the hard work put in by the board, management and staff of the Richmond Club on the success of the Max Potential Program that was held last month at the club. The program provides future leaders with the tools to live up to their potential. The program connects high school students with personal leadership coaches from the community and is a great tool to help them make important life decisions during their final years at school and when preparing to transition to the workforce. The program encourages young people to get involved in local community life with personal one-on-one coaching sessions with trained coaches and mentors.

The students are able to build leadership principles into their lives and to provide support for an individual community project. At the end of the program, students present their projects in a showcase that celebrates their successes and growth. Max Potential is a partnership between ClubsNSW and Future Achievement Australia. The Richmond Club has funded the program to the extent of \$36,000. I thank the Richmond Club, Max Potential and the volunteer coaches and mentors who are successful business and community leaders for their efforts to make Max Potential a success.

### **DEB GROUP MOOREBANK FACILITY**

**Ms MELANIE GIBBONS** (Menai) [4.55 p.m.]: Recently I had the pleasure, together with the Premier and councillor Ned Mannoun, Mayor of Liverpool City Council, to open a \$15 million manufacturing, warehousing and office facility in Moorebank. It is a new facility for the world-leading occupational hand hygiene and skin care company, Deb Group. I am happy to see Deb's local commitment to the Australian economy and local employment. By investing in the Moorebank community and by using Australian-made products it is bucking the trend of companies closing their doors in Australia and moving manufacturing to Asia. The Deb Group has moved from a facility also in my electorate, Chipping Norton, as it required bigger premises. The new facility in Moorebank is a 5,000 square metre purpose-built plant, which will be more suitable for its needs. I commend the Deb Group for opening this facility and I thank it for the interesting tour that we were given. I thank the Premier for visiting the premises.

### **JESMOND LIONS CLUB FIFTIETH ANNIVERSARY**

**Ms SONIA HORNER** (Wallsend) [4.56 p.m.]: The great spirit of volunteerism and engagement with the community is alive and well in Jesmond with the Lions Club celebrating its fiftieth birthday in October. The club is celebrating this milestone in the same way that it has operated for the past half century, by selflessly giving back to the community. As part of its birthday celebrations the Lions Club of Jesmond is spending \$10,000 on creating a recreation area for the former Wickham Public School, which the Samaritans Foundation has turned into accommodation for homeless young people. We thank the club for all its wonderful achievements and wish it all the best in the future.

### **ARLENE BLENCOWE WORLD LIGHTWEIGHT BOXING CHAMPION**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.57 p.m.]: I inform the House that Arlene Blencowe of Taree scored a points decision to win the World Lightweight Boxing Championship over the defending champion in Auckland in only her third professional fight. Arlene had been training diligently for a mixed martial arts bout when the call came to participate in the boxing match after the original opponent had been injured. Arlene credits her hard training for her ability to stand the gruelling championship bout.

### **PAKISTAN ASSOCIATION OF AUSTRALIA**

**Mr PAUL LYNCH** (Liverpool) [4.58 p.m.]: The Pakistan Association of Australia held a Pakistan independence celebration on Saturday 31 August to celebrate the sixty-seventh independence day of that country. The association is well led by president Shahid Iqbal and secretary Dr Syed M. Abbas Rizvi. The event also saw in attendance the Pakistani High Commissioner to Australia Mr Abdul Malik Abdullah who drove up



from Canberra and also Abdul Aziz Uqaili, Consul General of Pakistan. The independence day marks the creation of the nation of Pakistan on 14 August 1947. The Pakistan community in Sydney is a significant component of our multicultural society and it was a pleasure to be invited to share in the celebration of Pakistan's national day.

### **LIFELINE MID NORTH COAST**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [4.59 p.m.]: I commend Lifeline Mid North Coast which was recently congratulated by Minister Victor Dominello on signing a statement of principles promoting recognition and fairness for volunteers. After recently visiting Port Macquarie to speak with staff and volunteers from Lifeline, Minister Dominello presented a certificate to Lifeline Mid North Coast chairman Mort Shearer for signing the State Government's statement of principles promoting recognition and fairness for volunteers. The role of volunteers in our community can never be truly appreciated and this statement recognises the rights of volunteers to proper standards of training, consultation and respect. I congratulate Lifeline Mid North Coast on continuing to improve its high standard of service to the community and providing lifesaving services to those most in need.

### **PRIVATE MEMBERS' STATEMENTS**

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#### **CHILE COUP D'ÉTAT FORTIETH ANNIVERSARY**

**Mr PAUL LYNCH** (Liverpool) [5.00 p.m.]: Tonight I inform the House of important events that occurred last week that are of considerable significance to many of my constituents. I refer to the fortieth anniversary on 11 September of the bloody fascist coup in Chile led by that blood-soaked murderer Augusto Pinochet. Many thousands of Chilean born people came to this country after the coup and to them the coup was of great importance. The painful memory of the death and bloodshed which soaked the coup is acknowledged in ceremonies and events each year. Many Chilean-Australians are constituents of mine. Constituents and friends of mine in this category include Patricia Saavedra, Elizabeth Rivera, Rafael Rodrigues, Carlos and Juana Mendoza, Rene and Angela Torreblanca and Adriana Navarro, and until earlier this year they included the late Oscar Perez, who worked for me for many years.

In a park at Fairfield there is a statue of the great Chilean leader Salvador Allende. Remembrance events are held annually in this park—as they were last week. This year events were held also in the Sydney central business district and at Parliament House. The events of 11 September 1973 are all too notorious. The rich and powerful in Chile, supported by the military and—as now freely admitted—by the Central Intelligence Agency [CIA] and the American military, were not prepared to allow the democratically elected government of Unidad Popular, led by Socialist Party President Salvador Allende, to continue. That Government was pursuing egalitarian and democratic programs.

Henry Kissinger made a truly revelatory quote concerning Chile in which he said something like the United States could not allow a country to go to the Left through the irresponsibility of its own people. That is a peculiar version of democracy, where a result is democratic only if one does what someone else wants. The coup saw thousands killed on the day and shortly afterwards many thousands more were to be imprisoned and tortured, and disappeared. Of those who survived, many came to Australia. I have had the sobering experience of talking to some of them about their experiences and the horrors they endured. The coup saw all the bloody horrors one would have expected. Of all the things I have read and heard, the image that has stuck in my mind is the fate of the brilliant singer and poet Victor Jara, who was also a leader of the Chilean New Song movement. He was held with many others in the now infamous national stadium in Santiago. To stop him from playing music or writing songs they cut off his hands. He was subsequently executed.

The ruthless economic strategies of privatisation and absolute reliance on market forces followed, to the wide applause of conservative Western economists and commentators. In particular, it was the monetarist dogma of the Chicago School—people like Milton Friedman—that was implemented. Andre Gunder Frank described it as economic genocide in Chile; it was monetarist theory versus humanity. The terror spread overseas with the assassination in the United States of America by Chilean forces of Orlando Letelier, a previous Minister in the Allende Government.

A central figure was the much-admired Salvador Allende, leader of Unidad Popular and President of Chile. He was born in 1908 and was a doctor. He became politically active, especially during the short-lived

Socialist Republic of Marmaduke Grove in the 1930s. He was one of the founders of the Chilean Socialist Party. He was Minister for Health in 1939 in the Popular Front Government of Pedro Aguirre Cerda. He stood for the position of President of Chile in elections in 1952, 1958 and 1964. In 1970 he ran again and was elected as leader of the Unidad Popular Coalition. As I have done before in this House, I will quote from a poem by the great Nobel prize-winning Chilean poet Pablo Neruda. This poem gives a sense of the optimism that Allende's victory in 1970 inspired and optimism smashed by the fascist coup in 1973:

A memory: Finally there is unity!  
 Long live Chile: Joy and Alleluia!  
 Long live copper, wine and nitrate.  
 Long live unity and tenacity.  
 Yes, sir! Chile has a candidate.  
 It was hard work, it was a dream,  
 until today when the struggle was understood.  
 To march, to march like the light of day.

The President is Salvador Allende.  
 All victory is chilling,  
 Because when the people win, a gust of wind  
 enters the envious through the backs of their heads.  
 (One rises, and the other goes down into his cave  
 fleeing from time in history.)  
 As long as Allende is rising to victory  
 the Fascists will run away like cockroaches.

Regrettably, the fascists, like cockroaches, came back and the coup of 1973 was the result, ending 48 years of civilian rule. Those events caused great pain and are still very immediate for many of my constituents. For that reason they have greeted with a mixture of incomprehension and white-hot anger the extraordinary comments last week in the other place by Dr Peter Phelps, defending and praising the blood-soaked fascist Pinochet. They have rightly condemned those comments, as I do. There should be no place in this Parliament for fascists or those who support them. Pinochet died in 2006 when under house arrest, with about 300 criminal charges pending against him. They included not just human rights violations, but also embezzlement of \$28 million and tax evasion. The defence of Augusto Pinochet by Dr Peter Phelps is a stain upon this Parliament and an embarrassment to our democracy.

### RYDE CLUB 6 MAX POTENTIAL PROGRAM

**Mr VICTOR DOMINELLO** (Ryde—Minister for Citizenship and Communities, and Minister for Aboriginal Affairs) [5.03 p.m.]: I am privileged to have been the ambassador of Club 6, Max Potential Youth Mentoring Program since its commencement in Ryde in 2011. Max Potential is a unique 22-week leadership development program where young leaders are matched with community coaches who encourage development and identification of their personal goals through a series of leadership principles the course calls "maximisers". Max Potential joins with community organisations to promote and support the program.

The Club 6 group took up the challenge in Ryde. Prominent clubs in the area, including Gladesville RSL and Community Club, Club Ryde-X, Ryde Eastwood Leagues Club, Gladesville Bowling and Sports Club, North Ryde RSL and North Ryde Golf Club, were aligned for community projects under the Club 6 banner. Those clubs sponsored coaches and, as the program attracted more students, they were joined by City of Ryde Council. I had the privilege of attending the truly inspiring Ryde Club 6 Max Potential showcase on Friday 6 September—the finale of the students' work. Damian Martelli, Joshua Jeffery, Daniel Jones, Jack Crossing and Dylan Dooner from Marist College, Eastwood talked enthusiastically about the challenges they had faced. It was obvious how proud and aware they were of the progress they had made over the course of the program.

Damien developed a pastoral care program to connect year 7 students who were struggling with older students, and provided support through building and maintaining a produce garden. Joshua created a Fair Trade culture amongst the school community through doing an audit of the products the school uses and working out how they could be switched to Fair Trade in a cost-effective way. Daniel facilitated positive and significant interactions between the elderly and primary-aged students through an art competition. Dylan assisted the integration of refugees into the local community through a day of games and activities. Jack developed an anti-bullying campaign aimed at turning awareness into action and making their school a bully-free zone. I acknowledge Michael Donovan, Victoria Kilby and Andrew Hill who donated their time and expertise to coach these boys who attend my old school.

I had previously met students Samantha Murray and Connor Sadgrove from Marsden High School through their community involvement at Boer War and Anzac Day commemoration services. They spoke of the

energy and dedication of their coach, Jo Luke, and of their personal journey. Samantha looked to build relationships between students at Marsden High School and Karonga School—a special-needs school in Epping—through art workshops and relationship-building activities. Connor was inspired to create opportunities for less-engaged students to mix more with their peers through a lunchtime group called "The Resonators".

Sophie Lara-Watson and Krishani Dhanji from Riverside Girls High School were coached by Natalie Dainer and Brad Browne. Sophie's literary skills assisted her to share stories of local people. She created a book of stories of various people she had interviewed, which she is donating to the library. Krishani wanted to honour our rich cultural diversity and combat graffiti with inspirational artwork in the streets. She drew together quotes from local people of different cultural backgrounds and painted a mural, which is to be placed on a street wall.

David Yuan, Joshua Supnet, Rona Lee, Camile Livingstone-Newstead and Teneille Simpson from Ryde Secondary College were coached by Christina Davidson, Helen Crouch, Anthony Dignan, Simon James and Debbie Muliana. David connected with his friends and local refugees by organising a bus trip to meet and watch the Greater Western Sydney Giants Australian Football League team. Joshua organised a clothing drive for the homeless to raise awareness and provide a way to engage with the issue on a more personal level. Rona wanted to value those who had fled abusive environments. She collected food and toys for men and women who had fled domestic violence to raise awareness and give hope. Camile facilitated a sporting program during lunchtime to build relationships between students with special needs and mainstream students.

Teneille had recognised the lack of information and support for teenagers when it comes to stranger danger and domestic violence. This project gave young people the opportunity to hear from a local domestic violence worker and a local councillor about the issues as well as about what resources they can access. The students' projects included a diversity of ways in which they can and do care about their community and how, with a little guidance, their current and future input will enable our community to strengthen and grow.

### SCHOOL BUS SAFETY

**Mr CHRISTOPHER GULAPTIS** (Clarence) [5.08 p.m.]: Tonight I inform the House about a serious issue in many country electorates, including mine: school bus crowding. This issue was raised with me on a number of occasions following changes to school bus timetables earlier this year and, more recently, when Busways made further rescheduling changes in the lower Clarence area. Parents have expressed increasing concern that more needs to be done to reduce the risks that children are exposed to when travelling by bus on high-speed, single lane roads. I met recently with concerned parents Sarah Armstrong, Sally Gilbert and Alan Skipper—and Alan's son Max—who represented parents with children attending Maclean High School. Max is a student at Maclean High School and uses the buses daily. The parents have been lobbying for these changes to protect their children and the school community. They identified buses travelling from Yamba, Iluka and other outlying communities in the Lower Clarence where children are either standing or sitting in the aisle of the bus while it is travelling on main roads with speed limits of 80 to 100 kilometres per hour. This includes the Pacific Highway, which has once again been declared the worst stretch of road in the State.

I welcome the recent announcement by the New South Wales Government of its investment of \$200 million to install seatbelts on buses dedicated to school runs in rural and regional New South Wales. Each day more than 60,000 students across regional and rural New South Wales travel on these dedicated school buses—known by operators as contract A buses. They cover more than 50 million kilometres each year. Buses that run not only school routes but also regular services during the day will not be included in the program. They are the buses that I am talking about. We need to go further and immediately put a halt to having children standing or sitting in the aisle of a bus when buses are required to travel on roads with a speed limit of 80 kilometres an hour or more. I note that a similar recommendation was made by the independent School Bus Safety Community Advisory Committee in its inquiry into school bus safety in rural and regional New South Wales. Safety data confirms that students travelling to school in rural and regional areas are exposed to twice the risk of injury compared with those in metropolitan areas. We have an obligation to provide a safe environment for our children, as was noted by the advisory committee chair, Carolyn Walsh. In her foreword to the report she said:

Parents and carers, and the community generally, have a right to expect that all that can reasonably be done is being done to protect children, particularly when they are being entrusted into other people's care.

The current conditions on some bus routes are unacceptable, and as a Government we have the opportunity to mitigate this problem. Clearly, some bus routes have a high priority for rectification, and I suggest that priority be given to routes on the old Pacific Highway—that is, the section that has not been upgraded. While I realise

the potential financial impact it would have on bus companies who would be required to run more buses, the impact that a tragic incident could have on a family and the community is far greater. We need to act on this issue as a matter of urgency before a tragedy occurs.

### **RED FROGS AUSTRALIA CHAPLAINCY NETWORK**

**Mr GARETH WARD** (Kiama) [5.12 p.m.]: On Monday 5 August I was pleased to attend a Red Frogs evening at the Bomaderry Bowling Club. The founder of the Red Frogs program, Andy Gourley, was the special guest speaker. He was invited by the Bomaderry Rotary Club to speak at its combined service club fundraising dinner. In 1997 Red Frogs Australia Chaplaincy Network founder Andy Gourley, who was a youth pastor, hit Schoolies Week on the Gold Coast with his skateboarding mates and realised the need for a designated sober person at parties. He approached a hotel manager to see whether volunteers were needed during Schoolies Week. The manager jumped at the opportunity and recruited Andy and many of his friends to help. And so the Red Frogs Australia Chaplaincy Network was born.

After a few nights of meeting schoolies, Andy went down to the local corner store and chose a bag of Allen's "Frogs Alive Red Frogs" to use as icebreakers when arriving at parties. It did not take long to realise that partygoers loved the red frogs. In its first year, the crew handed out 80 kilograms of the confectionery; and now more than 11 tonnes of red frogs lollies are distributed each year. Since 1997 the program has become renowned for the support it gives school leavers, university students, party and festival goers, event managers, sporting groups and musicians in Australia, New Zealand, the United Kingdom, Canada, South Africa and Poland. The red frogs crew participates in many events that are attended by school leavers and university students, such as Schoolies Week, university parties and high school seminars.

Red Frogs is a support program for young people from the ages of 15 to 25. It challenges the youth culture of excessive alcohol consumption and other substances that can lead to dangerous behaviours. The Red Frogs volunteers make it their mission to provide a positive peer presence in alcohol-fuelled environments where young people gather and to encourage a safe, trouble-free environment. This message is important for the parents and caregivers of the students who flock to Schoolies Week on the Gold Coast, which is held annually around this time of year. The 1,500 or so Red Frogs volunteers aim to support school leavers through their week-long celebrations at Schoolies Week, and provide a positive presence within their party culture. The Red Frogs crew assists school leavers by walking them home, cooking them pancakes, cleaning their rooms, handing out Allen's red frogs and, most importantly, offering emotional support through what can often be a challenging week. Red Frogs volunteers speak to 40,000, 17-year-old students before they even get to schoolies.

Over the years, the secondary supply of alcohol to school leavers has caused antisocial behaviour. On July 1 2008 fines in New South Wales for supplying alcohol to minors rose to \$11,000 and/or 12 months in jail, while penalties for minors caught inside licensed venues or buying alcohol doubled to \$2,200. Additionally, minors who use false identification to buy alcohol or enter licensed premises unlawfully will be required to spend an extra six months on their provisional driver licence. Importantly, Red Frogs promotes safe sex and educates young people about the consequences of binge drinking. It also spreads the message that schoolies, whilst it may be enjoyable, is not real life. A beach party and alcohol are not a likely foundation on which anybody should build a long-term, meaningful relationship. I congratulate the Red Frogs organisation on the great work it does for our community and Andy Gourley on his involvement over many years.

The Red Frogs Australia Chaplaincy Network is doing important work—ensuring young people are protected is essential. When I attended the presentation at the Bomaderry Bowling Club I heard the story of a young person in Bali. He was drinking at an establishment and started to lose his vision. A Red Frogs volunteer who happened to be in attendance put this young man on the back of his motorcycle and took him to the nearest hospital. The young man had suffered methanol poisoning and may have lost his sight entirely if it were not for the assistance of the Red Frogs volunteers. I commend this outstanding Christian ministry—a ministry of volunteers who are doing the best they can to assist young people at a time of celebration and jubilation. Tonight I am heading to a graduation celebration at Kiama High School.

I am looking forward to wishing the year 12 students well, and I am sure they are looking forward to finishing their Higher School Certificate exams. They will no doubt head out of Kiama to other places to enjoy and celebrate their graduation as the start of what I am sure will be fulfilling lives. There is no doubt that this time of year can be a time when students are vulnerable and when people take advantage of younger people, wrongly and inappropriately. So I wanted to give this speech tonight in Parliament to recognise the extraordinary work of the Red Frogs, who dedicate their time to ensuring that young people have the support

they need and are aware of the consequences of their actions. They are there when things do not go right. I commend the Red Frogs Australia Chaplaincy Network to all members and encourage them to promote this organisation so that parents are aware of the help they provide and so that young people can identify them as a means of support when they are out of their home town and need support.

### **FRIENDS OF INDIA AUSTRALIA FESTIVAL OF GANESH**

**Dr ANDREW McDONALD** (Macquarie Fields) [5.17 p.m.]: Last Saturday evening—along with the member for Liverpool, the member for Werriwa and Councillor Geoff Shelton from Liverpool City Council—I attended a celebration at the Whitlam Centre at Liverpool organised by the Friends of India Australia to celebrate Ganeshotsava. The Festival of Ganesh involves a clay statue of Ganesh that is then dissolved in water. Every part of the god Ganesh represents a human attribute. For example, the large ears remind people of the need to listen. Dr Rajeev Jairam, a leading child psychiatrist and current President of the Friends of India Australia [FOIA], has written to me. He said:

FOIA have now been established for 18 years. From their humble beginnings, the scale and proportion to which it has now grown is staggering. About 400 FOIA volunteers from the Liverpool and surrounding suburbs including Campbelltown LGA including Macquarie Fields eagerly wait each year to welcome their beloved Ganesha.

The celebrations over the weekend including the pooja and cultural extravaganza celebrations attract more than 6,000 people (close to 3,000 on Saturday night), making it one of the largest non-ticketed events in the Hindu calendar in Australia.

And I can tell members that there were easily 3,000 people there on Saturday night. They were a wonderful crowd: enthusiastic, welcoming and clearly having a great time. The letter continues:

Every aspect of managing this huge public event is efficiently executed by these volunteers who labor over many months to plan, control and execute the event to clockwork precision. With so much talent available in the community, this event gives them a fantastic opportunity and a widely exposed stage to come together and showcase their individual talent homogeneously blended to produce a feast literally for the eyes and the palate.

The event is open to the general Australian community and all those who come to enjoy the festivities are lovingly fed with prasaad (blessed and sanctified food after being offered to Ganesha) lovingly prepared by volunteers and sponsored by devotees. The whole event and food is offered free to the attendees in the true spirit of service to the community.

Continuing celebration of events like this ensures development of the concept of togetherness, increases awareness of the richness of cultures, promotes a shared sense of understanding, well being and harmony and helps in forging strong community bonds.

A major aim of FOIA is to ensure the empowerment of second generation Hindu Australian youth. The most effective way of achieving this is by ubiquitously nurturing and forging a strong identity that will ensure the retention and transmission of the Hindu culture across generations while effortlessly integrating with the Australian society. This ensures that the youth are empowered with a sense of purpose, forge strong peer relationships, enhance coping and reducing maladaptive patterns of behaviour such as drug and alcohol use, aggression, violence and family dysfunction.

Ganeshotsava is a major undertaking with hundreds of volunteers and months of planning. Their aim is to create a legacy to pass on to future generations; new volunteers are always welcome. FOIA support Hindu cultural values skills and knowledge. They also participate in many other community activities such as blood donation and the cleanup Australia campaign.

This is a very exciting time in the history of Liverpool and south-west Sydney. The sub-continental communities continue to contribute an enormous amount to daily life with both their skills and culture. The opportunities that Liverpool offers make it a very attractive place for young families from the subcontinent to build a future while being able to develop and retain their cultural links. For these families, as for all families who move to the area, Liverpool and south-west Sydney is the land of opportunity. This was a great day of celebration, and I commend Friends of India Australia and Ganeshotsava to the House.

### **MANNING BASE HOSPITAL**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [5.21 p.m.]: I inform the House of the great work that is being done at the Manning Base Hospital. I congratulate the Minister for Health and the Liberal-Nationals Government on turning around public health, particularly in regional New South Wales. The House may remember that in March 2011 the Manning Base Hospital was under threat of losing its accreditation due to the lack of clinical services. Since that time many major appointments have been made, and more have been made since I last updated the House. The Manning Base Hospital was recognised recently for its quality of service when it won the Hunter New England Local Health Service Chief Executive's Award of Excellence. The Manning Base Hospital is not only reaching its key performance indicators; it is exceeding them. Much of the credit must go to the chief executive officer, Tricia Bulic, who has been in the position for about 18 months, and

her team—the medical and nursing staff at the hospital—for the way they have got together and achieved such excellent results. This comes, as I said, after 16 years of neglect by the former New South Wales Labor-Greens Government.

The turnaround is remarkable. Since March 2011 there have been appointments of an ear, nose and throat specialist—after eight years without one—and two anaesthetists. An acute stroke unit has been established, and we have seen the appointment of an orthopaedic specialist, two intensive care specialists, a general surgeon, a new full-time cardiologist and a midwife. There were 25 new nursing graduates in 2012, 23 nursing graduates in 2013, and five registered nurses. For the first time, an oncologist has been appointed to the Manning Base Hospital and this year that was increased to the equivalent of 1.4 oncologists. The hospital received \$20,000 for a peri-operative unit. There is a new chapel at the hospital. Seven medical registrars have been appointed—something the hospital has been crying out for, for years. A geriatrician has been appointed and the hospital has received \$20,000 for a new ultrasound machine for the theatre.

In the Manning Valley and Great Lakes area we have seen the installation of a magnetic resonance imaging machine at the Mayo Private Hospital, which is accessible to public patients. I have been advised that in the near future a cardiac catheterisation laboratory will be installed at the Mayo Private Hospital, which will have public access. During this time a clinical services plan has also been completed, and this was recently released for public exhibition. It has been adopted by the board. The Manning Base Hospital master development plan has also been completed and adopted by the board. The Manning and Great Lakes community has supported the Manning Base Hospital over many years. Each year there is a Christmas road train, which raises fund for the children's ward, and in December last year that Christmas road train raised \$60,000. That is one indication of the tremendous support the hospital receives from the community.

The community identifies with the hospital. It started as a community hospital and has developed over the years as a public hospital. The community is constantly raising funds and helping the hospital to improve. At the same time, the chief executive officer and staff are also doing their bit. They have achieved their key performance indicators in the medical system. Patients are seen in casualty within the time allowed. Operations are done within the time allowed. As I said, staff are reaching or exceeding their key performance indicators in well over 90 per cent of cases. So I commend the staff and the chief executive officer of the hospital as well as Dr Jim Wills, the medical superintendent. I think members will agree the Liberal-Nationals Government is doing a fantastic job, particularly for regional health.

### LARGS PUBLIC SCHOOL 175TH ANNIVERSARY

**Ms ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [5.26 p.m.]: As the member for Maitland it is a pleasure for me to be able to talk about the great things that are happening in my electorate, especially when they involve our wonderful local schools. As Minister for Heritage, I was delighted last weekend to join pupils, teachers and staff—past and present—and community members to celebrate a wonderful milestone for Largs Public School. Largs is located on the northern side of Maitland not far from the banks of the Paterson River. The school is steeped in history, having now operated on the same site for 175 years—which Largs Public School proudly proclaims makes it the oldest public school in continuous operation in Australia. History records that landowner Andrew Lang originally established the school in 1838, with an investment of £75, to accommodate the children of Scottish settlers. The school doubled as a church and Sunday school.

Andrew Lang was the brother of the colony's first Presbyterian minister, John Dunmore Lang, who was a driving force in the establishment of public education in this country. While a traditional view of education might be that the three Rs—reading, writing and arithmetic—are important, we understand that in those early days mathematics was considered to be of less importance. Reading was the focus so that the children could become more acquainted with the *Bible*, hymns and catechism. After a decade of operation, Andrew Lang made the first application for a government school in New South Wales. As the harvesting of cedar timber and farming transformed the countryside around what we today call Largs, so too was this early colonial education transforming young lives. The original enrolment of 60 pupils had risen to 100 by the 1850s, and then in 1889 night classes were introduced because boys were needed to work on the farms during the day. Largs Public School cherishes its place in both Australian colonial history and the history of education in our State and our nation.

This is reflected in a later addition to the site known as the Old Bush School, which is a resident farmer's cottage dating back to the 1830s that was restored in 1988 for Australia's bicentenary and the school's

150th anniversary. The two-room hut showcases an older-style classroom and memorabilia, including a cane, and was established as an education resources centre for Hunter region school students. On Saturday its doors were open to allow people to look at a past that many must think is a world away from the SMART Board and computer-equipped classrooms of today. Indeed, we saw the modern day classrooms in which the students had put on outstanding displays. They also conducted other great performances on the day.

The 175th anniversary has been marked in a unique way through the construction of a new pathway of commemorative pavers. Around 150 past and present students and staff purchased a paver to participate in the project to mark the school's latest milestone. Over the weekend it was wonderful to see the affection people have for the school, including many past students who returned to show how much they valued it. Past students made speeches on the day and a young student together with two 89-year-old former students cut the cake. People travelled far and wide to be part of the celebration. The teachers and the Parents and Citizens Association, who are highly engaged and a valuable part of the community, put on a great day.

In the past decade Largs Public School has grown from two classes with 35 pupils to six classes with a school population of 130. Maitland is one of the fastest growing cities in regional New South Wales. Largs Public School is very much a part of that as markedly increasing residential development transforms the area from a rural village into a growth suburb. I thank the school for inviting me to be part of last weekend's celebrations. I wish the teachers, staff, pupils and their families well for what I am sure will be a prosperous future. I look forward to working with Largs Public School and others in the years ahead.

### **DRUMMOYNE ELECTORATE MEN'S SHEDS**

**Mr JOHN SIDOTI** (Drummoyne) [5.31 p.m.]: It gives me great pleasure to speak about some wonderful things happening in the Drummoyne electorate. Recently I had the pleasure to be part of the official opening of the Concord Men's Shed, better known as Harry's Shed in honour of the tireless work of the late Harry O'Hara to create a local shed. Men's sheds are a great concept. Harry's Shed provides a large space in which men can get together in a relaxed atmosphere to make something or learn something or just have a yarn. The men at Harry's Shed come from a variety of backgrounds and have a wide range of skills. The shed is attached to the amateur fishing club, one of the oldest fishing clubs in Australia, which last night I had the pleasure of addressing to talk about the ones that got away and the ones that were not so lucky. Harry's Shed is open from 9.00 a.m. to 12.00 p.m. on Mondays and Thursdays and is located at 1A Gibbs Street, Concord, at the site of the old Concord Bowling Club.

Hundreds of men's sheds across Australia continue to play a valuable role. Earlier this year along with the mayor and our Federal member I had the pleasure of taking part in the opening of the Breakfast Point Men's Shed. The Breakfast Point shed shows a great utilisation of a small space. It is not as large as the Concord shed but it is equally as effective. It is open every Wednesday from 9.30 a.m. The gentlemen get together to have coffee and make plans and it has already attracted 30 members in the short time it has been open.

Strathfield Men's Shed is the third shed in my electorate and is located at Pomeroy Street, Homebush. The shed has a large space in a terrific building. As is probably obvious, I am great supporter of men's sheds and feel fortunate to have three men's sheds in my electorate. I often hear members talk about the importance of men's sheds in rural and regional New South Wales, but they are an equally important part of the inner city. In some ways they are more important because of the difficulty of finding space to open sheds in a city in which land is in such high demand.

Men's sheds foster a spirit of fairness, teamwork and mateship. They encourage their members to partake in great activities and share their many skills. For example, the men's shed in Pomeroy Street has all sorts of machinery, saws and lathes for woodworking and welding equipment and metalworking machines. It even has computer workstations. I commend men's sheds for their activities not only in my electorate but also across New South Wales. They keep men occupied, enhance social intermingling and play an important role. In particular, I congratulate the three men's sheds in my electorate and their boards. I thank them for their commitment to their members and the community at large.

### **WOLLONGONG ROLLER HAWKS BASKETBALL TEAM**

**Ms ANNA WATSON** (Shellharbour) [5.35 p.m.]: I acknowledge the Wollongong Roller Hawks, who are one of our many superb Illawarra sporting teams. The Roller Hawks entered the National Wheelchair

Basketball League in 2001 and become the first regional team to play in the National Wheelchair Basketball League. They won their first championship in 2003 and have gone from strength to strength. They have built a strong team that now includes Australian representatives including Paralympians who have won gold for Australia at both the Beijing and London Olympic Games. This powerhouse team has seen the Roller Hawks take out the title again in 2011 and 2012, and they nearly made it a three-peat in 2013.

Last month I was glad to attend the Roller Hawks annual end of season dinner. I acknowledge the night's award recipients including Brad Fisher, who won the Davidson Family Most Improved Player Award. I congratulate Brad on his fantastic achievement. I also congratulate Roller Hawks Most Valuable Player Award winner Brett Stibners, who is proving that retirement from international basketball is not slowing him down one bit. Earlier in the week Brett was also inducted into the Shellharbour City Council Hall of Fame, along with fellow Roller Hawk Eino Okkonen. Shellharbour is renowned for consistently producing great sporting talent, and these gentlemen only add to that reputation.

The end of season dinner was a great night. Lots of money was raised and fun was had by all. The Roller Hawks qualified for the National Wheelchair Basketball playoffs this season but, unfortunately, in the final they lost their lead in the fourth quarter to season favourites, the Perth Wheelcats. But anyone who has seen these guys in action knows that a full-strength Roller Hawks team is the team to beat on any day of the week. I have been to their games and seen their domination of other teams on the court. They have a trademark range of players who have the ability to get those baskets and score big. Most notable are the "Big Four" made up of Shawn Russell, Brett Stibners, Luke Pople and Nick Taylor.

They are incredible athletes. It is hard to comprehend the strength they use to move with agility around the court, the control they have to pull off some of their manoeuvres and team plays and the knocks they take, yet they are back up and rolling again before we know it. They make it look easy, and they tell me they enjoy it. They certainly give the crowd something to cheer about at each game they play. Having met the players, I can say that they also are remarkable individuals. They are great Australians who each have a story and achievements worthy of recognition, praise and respect. They also have an extensive and passionate group of supporters around them backing them up—something that can never be underestimated in sport or in life.

I acknowledge Illawarra Wheelchair Basketball, which is a group within the New South Wales Wheelchair Sports Association. The organisation is managed entirely by volunteers and all funds raised contribute to the management and development of Illawarra wheelchair basketball teams and projects. The Roller Hawks and those behind the team are now recognised nationally for their work in enhancing elite wheelchair sport competition for the disabled. That is to be commended and encouraged. Physical activity and sport are powerful ways to engage and enhance the lives of people in our community. Efforts such as those of the Roller Hawks show the benefits sport provides to people with a disability. Again I congratulate the team on their success this season. I am sure I speak for the whole electorate and the entire Illawarra region when I say how proud we are of all of them.

## GOULBURN ELECTORATE ENVIRONMENTAL PROJECTS

**Ms PRU GOWARD** (Goulburn—Minister for Family and Community Services, and Minister for Women) [5.39 p.m.]: I take this opportunity to talk about the many activities in my electorate aimed at protecting the environment. Often it is the passion, the drive, and the enthusiasm of volunteers that sees environmental projects become a success. It is no different in my electorate of Goulburn, where, as the weather slowly warms, more community groups increase their activities on a range of projects. In the south of my electorate, the Goulburn Wetlands Project, which I have spoken of in this House previously, is coming along in leaps and bounds. It is not uncommon to see bands of hardy green thumbs on site at the wetlands as they continue to mould and sculpt the landscape. The transformation of the former brickworks site into a lush, green wetland has been a sight to behold, and my congratulations go to Bill Wilkes, Rodney Falconer, David Marsden-Ballard and the many other volunteers who have become regular fixtures at the May Street site.

I am delighted to inform the House that this work will be able continue following the New South Wales Government's Environment Trust awarding a grant of \$99,116 in June this year to the Goulburn Group, which is overseeing the project. This funding will mean that the project's volunteers will be able to continue the task of restoring and regenerating the site and radically improving its environmental functionality. Indeed, the site has already attracted new wildlife, with a pair of black swans appearing on the lake in mid-August, which booked in for an overnight stay before leaving. These temporary residents are surely harbingers of much more wildlife. The volunteers have already installed an expansive bird hide, which I have personally funded, and I look forward to this being well-utilised by birdwatchers in the future.



In the north of my electorate, Mount Gibraltar, or "the Gib", as it is known to locals, looks over the townships of Bowral and Mittagong. The Mount Gibraltar Landcare and Bushcare Group has been passionately working for 20 years to achieve a range of environmental goals for the pristine and valuable natural area on Mount Gibraltar. Jane Leman is a much-loved and indefatigable leader of this work. The Mount Gibraltar Reserve is listed as an endangered ecological community and retains important habitat structures for local flora and fauna species. The Mount Gibraltar group has been instrumental in delivering outcomes that enhance and protect all that is special about this place. Every Thursday morning, except on rainy days, this band of determined volunteers can be found preserving the unique environment of Mount Gibraltar by helping to eradicate destructive and invasive weeds and promoting natural regeneration. The group has made great strides in rehabilitating a significant area of the Mount Gibraltar forest, which is now recognised by both State and Federal governments as an endangered ecological community in need of protection. The Mount Gibraltar Landcare and Bushcare Group works in partnership with Wingecarribee Shire Council and has published an award-winning coffee table book called *The Gib*, detailing its activities. This book is sold in all good book stores, with the proceeds helping to fund the group's activities.

The Mount Gibraltar Landcare and Bushcare Group is another group that is benefiting from the New South Wales Environment Trust, receiving \$100,000 over three years to implement its programs and initiatives, including important regeneration of the area's endangered ecological communities. Part of this work has included the creation of the Heritage Quarries Circuit Walk through the former quarry areas of the reserve, and I am told this is proving popular with local bushwalkers. The installation of picnic tables along some of the trails has also proved a popular addition. Volunteers will also continue to fight the never-ending battle against weeds in native bushlands. In a year during which three localities in my electorate, Moss Vale, Bowral and the City of Goulburn, have all marked their 150th birthdays, it is heartening to see that many locals are focusing not only on their urban environments but also on the natural world around them. That is what makes the great electorate of Goulburn such a special place.

### WESTERN SYDNEY BUSHFIRES

**Mr KEVIN CONOLLY** (Riverstone) [5.43 p.m.]: On Tuesday 10 September—just last week—Sydney experienced a day of unseasonably high temperatures, low humidity and strong winds. Prior to that day there had been at least a month of negligible rain. The product of these conditions was a spate of bushfires across Western Sydney. These fires were known by the locations at which they were first reported—Tickner Road, Castlereagh; Grange Avenue, Marsden Park; Bennett Road, Londonderry; and Hawkesbury Road, Winmalee. The fires threatened many homes, businesses and schools. Schools at Marsden Park, Cranebrook, Bligh Park and South Windsor were evacuated that afternoon. Naturally, hundreds of very anxious parents rushed to retrieve their kids from schools and get them home. Many thanks go to school staff who managed the evacuation process. Some of the school staff had to stay back because some parents could not access the schools until hours later due to road closures caused by the fires.

The emergency services that afternoon—as in all such situations—responded admirably. Rural Fire Service volunteers, Fire and Rescue NSW personnel, police and National Parks and Wildlife Service personnel were out protecting homes and people. Local crews and people from far afield were called in to help, and the people of the district were extremely grateful for that help. I and my colleagues in the Hawkesbury, Penrith, Blue Mountains and Londonderry electorates very much appreciate the volunteers who time and again answer these calls for help. My own experience was a little different. When I rang the Rural Fire Service control centre at Hawkesbury to find out what was happening in my electorate and described where I lived, I was advised that it was probably wise for me to be at home given the proximity of the fires to Bligh Park and the fact that many houses in the area had already been evacuated.

I headed home, changed out of my suit into something more appropriate for firefighting duties, hosed down the roof and manned the defences in the yard in case of flying embers from the bush, which is about 150 metres from my home. I did that along with most of my neighbours who arrived back from their workplaces at various times to do the same. In these situations there is a great sense of camaraderie and support from everybody in the community. I am grateful to the Rural Fire Service volunteer who lives across the road from my place. He came and gave me some tips on what I perhaps should have done in the previous weeks but what I could do then to make my home safe. Good advice to give to people in bushfire-prone areas is that as the bushfire season approaches it is never too soon to prepare their home, to clear their gutters, to remove debris that might be flammable and to take what precautions they can ahead of a fire crisis rather than just wait, as I did, to be there when it happens.

I highlight some of the services that other people provide in these situations. I was told by a police officer how he was sent to evacuate people from the Castlereagh area and to tell homeowners that they needed to get out ahead of the fire. As often happens in these situations, some people do not respond at the first warning and they need a bit of extra persuasion. By the time this police officer had the residents on their way out the police crew found themselves trapped at the wrong end of a one-way road with the fire behind them and they had to find a way through the bush to safety. These are the risks that people in our emergency services take on our behalf all the time. I urge residents to comply with directions from police in these situations and not to put at risk those people who are attempting to protect them from harm. There were a number of causes of these fires including, sadly, arson, hazard reduction fires that got out of control and powerlines brought down by winds. Whatever the causes, we should pay great tribute to all those emergency service personnel who respond on our behalf without regard for themselves during these very difficult times. On behalf of the community I thank them very much, and I particularly thank them on behalf of the people of Bligh Park for their help last week.

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [5.47 p.m.]: I commend the member for Riverstone for once again raising awareness of the importance of the Rural Fire Service—the people who protect life and property. This is very much a land of flood and fire. Less than 12 months ago areas in Western Sydney were threatened by flood. Indeed, the Windsor Bridge was once again inundated with water, blocking access across the Hawkesbury River. Here we are some months later fighting fires. Only a few weeks ago I joined the member for Riverstone and the member for Londonderry at what is known as the Hawkesbury Field Day where many of our local Rural Fire Service brigades participate in a day of fun. On that particular day there was a fire in Blaxlands Ridge and members of that brigade, instead of enjoying themselves, were out fighting those fires. I believe that 36 brigades were on hand to fight fires across our district over the past couple of weeks. To the various members of the Rural Fire Service I again say we owe them the greatest respect. We support and commend them for their efforts on our behalf.

#### **SATALI TEVI-FUIMAONO WORLD JUNIOR MIDDLEWEIGHT BOXING CHAMPION**

**Mr CHRIS HOLSTEIN** (Gosford) [5.48 p.m.]: In August 2011 I referred in the House to the Umina Beach Police and Community Youth Club and recognised the wonderful work of the club. As part of that I referred to the club's boxing program and in particular a rising young star, Satali Tevi-Fuimaono, who had just won the Australian under-14 championship and also had just become the National Golden Gloves Champion. His dream is to one day become an Olympic champion but he recognises that there are many stepping stones on the way to achieving that goal. Satali, who lives with his family in Umina in my electorate, is a most impressive young man who has had a positive impact on everybody he meets. He is an inspiration to his teammates. He has been described by those who know him as a special guy, who is humble yet inspirational, family oriented with a great set of values, grateful for the gifts he has, and would go out of his way to help anybody. Does he really sound like a boxer?

I am proud to report in this place on his progress. Over the past few weeks in Kiev in Ukraine, the Amateur International Boxing Association [AIBA] Junior World Boxing Championships have been underway. They take place in different locations around the world every two years and are staged for boxers aged between 15 and 16 years. They welcome international boxers from 52 countries. In Kiev 351 boxers were registered to compete across 13 weight categories. At this level boxing is traditionally a first opportunity to witness future world champions and future Olympic heroes. Satali Tevi-Fuimaono is a participant at the junior world championships representing Australia in the middleweight division. He was accompanied by his coach, Joel Keegan, who also is from Umina beach and who has been coaching Satali since he joined the Umina Police and Community Youth Club at the age of 10 years.

Joel Keegan has been coaching at the Umina Beach Police and Community Youth Club for almost 15 years and no prouder coach could be found. Joel is also very proud of the fact that Satali's father is now an important coach at the Umina Beach Police and Community Youth Club and is doing a wonderful job. He is being hailed as a great mentor to his charges. Last Sunday night in Ukraine, Satali reached the final of the middleweight division and outclassed his Russian opponent, Viktor Bakhmatov, and won the fight. He was crowned Junior World Champion—Middleweight. His win has been celebrated not just throughout my electorate but also throughout the entire Central Coast, the State of New South Wales and Australia. He was representing us all in Kiev. His next target for 2014 is the Youth World Championships followed by the Youth Olympics. I wanted to place this event on the record in the hope that I will still be a member of this House in the future and can report on this young man's journey and his ultimate goal of being an Olympic gold medallist. We are very proud of him, we are very proud of his coach and we are very proud of the Umina Beach Police and Community Youth Club for what it does for our young people on the Central Coast.

## WOLLONDILLY ELECTORAL BOUNDARIES

**Mr JAI ROWELL** (Wollondilly) [5.53 p.m.]: In the New South Wales electoral redistribution that was gazetted this afternoon, significant changes have been made to my electorate of Wollondilly that I have had, and continue to have, the absolute pleasure of representing. Wollondilly currently comprises two parts: the Wollondilly Shire end and the Campbelltown City Council end of the electorate. The redistribution loses Campbelltown City Council areas namely Ambarvale, Rosemeadow, St Helens Park, Park Central, Glen Alpine, Bradbury, Gilead and Menangle Park. Those areas represent approximately 40 per cent of the population of Wollondilly. I thank the people of these suburbs for the trust that they have placed in me by returning me to represent them on three separate occasions—twice as a councillor and once as their State representative.

At a later point I will have more to say about that part of the electorate, but I am proud to have delivered for the area. Briefly, I think of the \$139 million upgrade to our local hospital in Wollondilly, the upgrade of Narellan Road, more express train services—and it is great that the Minister for Transport is present in the Chamber because she is delivering those services—and the stopping of the Leaf's Gully power station, to name but a few improvements. The people are the salt of the earth, and again I thank them. I said in my inaugural speech that I would not let them down and I trust that I have not. The achievements that have been delivered are as a result of their hard work. By working together we will never be forgotten again. My door always will be open and I will continue to help whenever and wherever needed. I know the area will be adequately represented by Bryan Doyle, who is the member for Campbelltown and whose area those suburbs go to. In addition Wollondilly is set to lose Camden Park with whose people I also have had a close relationship. I thank them for their support.

The new boundaries retain the rest of Wollondilly Shire, namely, Appin, Bargo, Buxton, Douglas Park, Menangle, Nattai, Oakdale, Picton, Silverdale, Thirlmere, Tahmoor, The Oaks, Warragamba, Werombi, Wilton, Yanderra and Yerranderie. The people in those areas are equally great and together we have achieved a lot for our region, including tens of millions of dollars for our local roads such as the recent \$53 million upgrade to Picton Road, money for Silverdale Road, hundreds of millions for sewerage connections to the properties of the people of Appin, Bargo, Buxton, Douglas Park and Wilton, and a new Dharawal National Park, to name only a few. Again, I will speak more of our achievements on another day. The new electorate of Wollondilly includes large parts of Wingecarribee shire, which I am excited about representing because I know they are great people and many of them are my closest friends. The towns of Hill Top, Colo Vale, Yerrinbool, Willow Vale, Mittagong, Mount Gibraltar and Bowral have all been added to Wollondilly.

This is an area to which I owe much as I completed high school attending Bowral High School and lived in the local area, and I have some very fond memories of some of my first opportunities in life. I have been fortunate to be able to work with many of the people in those towns, including community groups and the Wingecarribee Shire Council, which works hard to ensure that this region receives its fair share of services. At this point I thank the Minister, the Hon. Pru Goward, who has had those areas taken out of her electorate. She has been a brilliant advocate for the entire Southern Highlands and has delivered real change. She already has spoken to me today to let me know what is important to the people and to our region. I know I have big shoes to fill. I thank Pru for ensuring that we continue to work together for the betterment of our area. Equally big shoes to fill are those of the former member for Southern Highlands, Dr Peta Seaton. Coincidentally Dr Seaton's campaign was the first election campaign in which I assisted. She delivered so much for the Wingecarribee and Wollondilly region and she is always fondly remembered in conversation across the electorate. I mention these two extraordinary individuals as they have been the backbone of these communities for a very long time. I say to them both that I will continue their hard work and that they can expect to see me seeking their advice.

To the people of Wingecarribee in the areas that will come into the newly formed electorate, I say this: If elected, I will not let you down. You owe me nothing. But I owe you and our region everything. I will work tirelessly to ensure your interests are represented in this Parliament. I will work hard to ensure infrastructure is delivered and our services are the best that they can be. I will be your person in Parliament, not Parliament's person in Wingecarribee. As a father of two young boys I believe we live in the best place on earth. I will do everything in my power to protect our natural environment and your way of life. My wife, Belinda, and I have been overwhelmed by the support you have given us. Recently it was an absolute delight attending the 150th anniversary of Bowral and Moss Vale. We were very much welcomed by the community and we were both inspired by the money raised for charity by such a giving community. I will have more to say on this topic in the future, but I look forward to visiting every one of you in Wollondilly and Wingecarribee. I will be listening to you, working with you, and representing you.

## WESTCONNEX MOTORWAY

**Mr JAMIE PARKER** (Balmain) [5.58 p.m.]: I draw to the attention of the House the New South Wales Government's announcement in relation to the WestConnex motorway. The Greens have a very strong position on public transport on private motorways. In our view public transport should be the priority of this Government. It is good that the Minister for Transport is present in the House. I am sure that while she may restrict nodding her head, inside she is agreeing that public transport should be the focus of this Government. We know that we need to create a twenty-first century transport system and that WestConnex is not the answer. Why is that? We say that because of the evidence. The evidence demonstrates that it is not the case. We know that tollways and improved vehicle transport simply induce the creation of more traffic in the long term. It is obviously logical that if it is easier to drive, people will drive their cars.

**Mr Kevin Conolly:** They make a choice.

**Mr JAMIE PARKER:** If they have a choice between public transport and driving their car, they will drive. The evidence right throughout the State demonstrates that that is true. But more importantly than that, today's *Sydney Morning Herald* noted that the O'Farrell Government and Mr Abbott "committed to the project before detailed route planning or patronage studies had been completed". The Greens believe that all that hard work needs to be done. The business case, of which we have seen only a summary, needs to be released in full. I heard a member interjecting about investment in roads as opposed to investment in rail and public transport.

It is important to recognise that there have been decades of disproportionate investment in car-dependent transport projects in this State, which has resulted in a dysfunctional public transport system. The amount of money spent on construction works by all levels of government—this is an important statistic—on public roads and bridges over the past 10 years has been 4.3 times the amount spent on public railway construction, for example. That is important data. Also, the lack of investment reflects the growth in public transport patronage since 1997. Comparing the jurisdictions in Australia, public transport patronage growth in Sydney has stagnated since 2007, when it increased by only 5 per cent. It has increased significantly since then, but the data for which we have good evidence, which is 1997 to 2007, demonstrates almost 30 per cent to 40 per cent growth in Brisbane, Melbourne and Perth.

In that 10-year period public transport patronage in New South Wales did not keep pace with other jurisdictions. That is why investment in public transport is so important. Obviously, this is important for my electorate because WestConnex is proposed to be built through the electorate. Today we heard from the planning Minister that the WestConnex route, even if it is a tunnel, will then be part of the code accessible growth areas, which is of significant concern to residents in my area. It is sad that the Government is seeking to invest billions of dollars in a ridiculously expensive project, which in the long term will not reduce travel times but only encourage more people to drive their vehicles. It is important that we look at particular areas in my electorate and possible solutions.

Let us look at Taverners Hill, Leichhardt, and Parramatta Road. During the two-hour peak about 6,000 cars pass through that area, and during school holidays it is much easier to drive along Parramatta Road, with a few percentage points of reduction in vehicle movements. How can we take a few percentage points of reduction in vehicle movements off places like Taverners Hill? The obvious solution is light rail. I have been promoting a plan which proposes light rail making a loop from the existing system, down Parramatta Road to Taverners Hill, so there is an inner-west loop. We know that light rail can do heavy lifting. It can make a big difference in terms of the impact of buses in our community, which are loud, more polluting and more difficult to access. They do not do the heavy lifting. Where light rail can carry 10,000 passengers per hour in each direction, a traffic lane can take only about 2,000 people per hour. Light rail is a fantastic solution and it needs to be significantly extended.

I acknowledge the work of the Minister for Transport in supporting the campaign to extend the light rail to Dulwich Hill and into the central business district. On my website, [jamieparker.org.au](http://jamieparker.org.au), people can look at our plan, which has been developed in consultation with academics from the Institute for Sustainable Futures, a whole range of community organisations and, most importantly, small business in our community that recognise the advantage of light rail, taking it not only down Parramatta Road but into Balmain and the peninsula to get people out of that landlocked peninsula rather than by the two roads currently used. So in our view WestConnex is no solution. If the Government was serious about roads and investing in them, it would at least publish the

business case that it claims has the details to support this plan. We look forward to seeing that. I highlight to the House that I will continue to support cheap, accessible public transport, rather than tollways, more pollution and more traffic.

### MONA VALE HOSPITAL PALLIATIVE CARE UNIT

**Mr ROB STOKES** (Pittwater—Parliamentary Secretary) [6.03 p.m.]: Tonight I want to discuss the completion of an enormously important community project in the Pittwater electorate. The concept of the expansion and redevelopment of the palliative care unit at Mona Vale Hospital was born some 20 years ago by a local GP, Dr John Doran. Through the dedication and unwavering commitment of countless local community groups and individuals, it has now become a reality. As many members are aware, there is perhaps no better location anywhere in New South Wales for the provision of palliative care services than Mona Vale Hospital, and along with all members of our community I am grateful that we now have an upgraded centre which is fitting to properly cater for the most vulnerable members of our community.

I would also argue that there is perhaps no better example of the New South Wales Government and a local community working together to deliver such an essential project. In 1994 renowned Pittwater community campaigner Cora Adcock began raising funds to address the increasing need for a hospice within the grounds of Mona Vale Hospital. The then Liberal member for Pittwater, Jim Longley, made a commitment to match whatever funds were raised by the community to assist with this project. However, a change in government in the following year meant a change of policies and a change in direction, and the project was effectively put aside. This also led to a twist in the community's fundraising efforts as the moneys that were raised, including the interest earned, ended up in a little known fund called the NSW Dormant Funds Commission.

A long, enduring and somewhat hysterical process followed—in fact, something quite fitting for a *Yes Minister* episode—to have these funds extricated from the Dormant Funds Commission and put towards the expansion of Mona Vale Hospital's existing palliative care cottage. I was pleased when last year the new O'Farrell Liberal Government, some 16 years later, was finally able to deliver on the promise made so many years before under the Fahey Government by Jim Longley and match the funds raised by the community to enable the long-awaited \$600,000 project to proceed. I am delighted to report to the House that the project has now been completed and we now have an incredible, purpose-built facility on the far eastern perimeter of Mona Vale Hospital, with expansive ocean views. The centre features specifically designed consultation and treatment rooms to provide medical, physiotherapy, occupational therapy and social support services. I am also pleased that due to a further State Government grant earlier the existing areas of the building are being renovated to help ensure a modern and welcoming health facility for patients, carers, families, staff and volunteers.

This has been a vital upgrade to one of our community's most important health facilities and, given the scope of the fundraising efforts, there are many people I would like to thank. Firstly, I thank the Adcock family: Cora, who has now passed away, and Denise and Brook, who should be enormously proud that the legacy and spirit of Cora will live on through this centre. Thank you also to the ongoing dedication and hard work of Eileen Gordon and the Mona Vale Hospital Auxiliary which helped raise the lion's share of the community's contribution towards this project. A huge thank you goes to the Pittwater Rotary Club, especially Gail Carew, Hans Calborg, Lorraine Hall, Bruce Larkin, Roger Digby, Rob Haines, Bob Barrack and all the hardworking Rotarians. Thank you also to the Rotary clubs of Terrey Hills, Narrabeen Lakes, Dee Why-Warringah and Manly, the Friends of Northern Beaches Palliative Care led by Jo-Ann Steeves and our wonderful, hardworking incredible angels, our palliative care doctors, Dr Peter Moore and Dr Gerry Lake.

I thank the Federal member for Mackellar and new Speaker of the House of Representatives, Bronwyn Bishop, MP; members of the Mona Vale Hospital executive, especially Frank Bazik and Jacqui Edgley; the Chief Executive of the Northern Sydney Local Health District, Vicki Taylor, particularly for her help in waiving \$60,000 in project management fees; Pittwater Council, especially Mayor Jacqui Townsend and former mayor Harvey Rose who I particularly want to acknowledge; Lindsay Godfrey from Pittwater Council for his work as a trustee for the project; Pittwater Business Limited, which raised significant funds for the project; HammondCare, the not-for-profit service provides that operates such a wonder facility, led by Stuart James and all his staff and volunteers; the acclaimed architect Emile Jansen, who provided some initial plans for the site; renowned author Susan Duncan and her husband, Bob Story, who were involved in fundraising efforts; and especially Roy and Josephine Mustaca and the Mustaca family, who generously supported this project by providing their cinemas free of charge for an orchestral event, the spring concert hosted by the Rotary clubs in the district. Yesterday Jane Rutter and the Northern Beaches Orchestra performed and raised many thousands of

dollars. I thank also the Bayfield family; Dr Yvonne McMaster and Dr Tony Ireland for all their insights and advice. There are many, many more. This is a true community project in every sense of the word and something of which everyone involved should be proud.

### CRONULLA TRAIN TIMETABLE

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [6.08 p.m.]: I commend the Minister for Transport and Transport for NSW on the new train timetable, which will improve the customer experience for commuters not only from Cronulla, Woollooware, Caringbah and Miranda but from across the network. The new timetable will be implemented in October and will introduce 149 extra weekly services on the Illawarra line, including 55 extra peak hour trains per week, and reduce journey times for customers travelling long distances by making some services faster. For example, on the Cronulla line there will be 17 services between 6.00 a.m. and 9.00 a.m., Monday to Friday, between Cronulla and Martin Place—an increase from 15 to 17. Travel times will be reduced in that period; between 7.00 a.m. and 8.00 a.m. average journey times reduce from 58 to 54 minutes and between 8.00 a.m. and 9.00 a.m. from 60 to 54 minutes between Cronulla and Martin Place. In the afternoon between 3.00 p.m. and 7.00 p.m. there will be 20 services on the Cronulla line instead of 17 at the moment. Average travel times will be reduced from 57 to 54 minutes between 4.00 p.m. and 5.00 p.m., from 56 to 54½ minutes between 5.00 p.m. and 6.00 p.m. and from 58 to 54 minutes between 6.00 p.m. and 7.00 p.m.

An increase in express services on the Cronulla line will be achieved in the mornings by bypassing stations between Hurstville and Wolli Creek. There have been a number of criticisms about cutting out Kogarah and Rockdale as stops on the Illawarra line for Cronulla peak services. The reality is that the vast majority of commuters on the Cronulla line are going to the city and beyond, rather than to Kogarah and Rockdale. Only 2 per cent of customers will be required to interchange at Hurstville for stations between Allawah and Arncliffe. In any event, trains will leave every 10 minutes at a minimum frequency from Hurstville and Wolli Creek during peak periods and for stations between Hurstville and Wolli Creek. All Illawarra services will stop at Wolli Creek station, making it easier for customers to transfer to airport services.

The increased number of express trains and the modified stopping patterns will mean that trains leaving Central will now be more evenly loaded. Under the current timetable many station services are underutilised by customers. According to Sydney Trains service capacity data from March 2013 the 5.37 p.m. Central to Cronulla express service was at 173 per cent capacity, whereas the 5.32 p.m. Central to Hurstville all-stops service was only 75 per cent capacity. Rather than just tinkering around the edges, the Government has rewritten the train timetable to achieve tangible service improvements for customers. Across the network, the train timetable will introduce more than a thousand extra services every week, in addition to the 107 extra services the Government has added since March 2011. There will be 600 more express services each week across the network, compared with the current timetable. Changes to the timetable will translate to more than 20,000 extra seats to the city each weekday morning. The train timetable has been developed by experts and built around customers' needs, based on thorough research by Transport for NSW.

The improvements to services on the Cronulla line add to other achievements of the O'Farrell Government since it came to office in March 2011. Prior to that, only about two-thirds of trains on the Cronulla line were air conditioned. Since March this year, all regular scheduled services on the Cronulla line have been air conditioned. Commuters on the Cronulla line have also benefitted from the O'Farrell Government's measures to significantly improve train cleanliness, modernise rolling stock and, in due course, introduce integrated ticketing with the roll-out of the Opal card. In 2012 the Minister for Transport announced a major reform of the State's rail system to improve customer service and the cleanliness of trains. The Fixing the Trains program introduced a specialist cleaning unit to attack graffiti, rubbish and dirty stations and trains.

In February 2013 Transport Cleaning Services went live and is now delivering cleaner trains to our customers on the Cronulla line. Late last year and early this year a graffiti blitz was undertaken. More than 10,000 carriages had graffiti removed over a 15-week period and about 39,000 square metres of graffiti were removed. The amount of graffiti identified on each carriage decreased from 1.02 square metres to 0.23 square metres on average, equating to a 75 per cent reduction in graffiti. There was a further graffiti blitz in July 2013 with almost 14,000 characters cleaned across the network. In February 2013 there was a major station cleaning blitz. Cleanliness depends not only on laws to tackle graffiti but also on proper security. The Government has achieved this by appointing the dedicated Police Transport Command, with 610 dedicated police officers on patrol on public transport by 2014. I commend the Minister for Transport and Transport for NSW for these initiatives and for the new train timetable for the Cronulla line.

## SOCIAL HOUSING SUPPLY

**Mr RICHARD AMERY** (Mount Druitt) [6.13 p.m.]: At the site of the former Whalan High School, on 6 September this year I attended a meeting held by the Whalan Action Group, a group of residents who are primarily social housing or public housing tenants. The main topic of the meeting was the changes to be introduced by the State Liberal-Nationals Government affecting public housing. As I have mentioned before, public housing is now known as social housing. The shadow Minister for Housing, the Hon. Sophie Cotsis, also attended the meeting. The main issue of concern was the Government's decision to charge public housing tenants for empty rooms in their dwellings. This practice is fast becoming known as the bed tax. The stated reason for the policy is to free up homes with three or four bedrooms for families on the waiting list or for tenants in smaller accommodation wanting to transfer to larger houses as their families increase in size.

On the face of it, that seems understandable. However, when one looks closely at the policy it becomes clear that it is another mechanism to extract money from existing tenants of the department. As a local member, I have often been approached by tenants seeking to move out of their three-, four- and sometimes five-bedroom houses to a smaller dwelling. However, it became clear that there were no smaller dwellings available or suitable for the tenant. Tenants who wanted to move out generally had to wait as there were few one- and two-bedroom homes or units that were suitable. With the cutback in social housing construction by this Government, one cannot see the situation improving in the near future. I argue that there is no need for this policy.

Tenants at the meeting said that many had raised their families in the area for decades; they had become part of their local community and their children had grown up and moved away with families of their own. Many people want to move to smaller accommodation—enough of them to take up the vacancies that may occur in the smaller homes now available. Making offers to tenants who do not want to move or forcing them into a situation where they will refuse unsuitable accommodation and be forced to pay more—as the Minister said to this House, millions more—is part of a policy designed to cover up the reduction in new housing development, not only in my area but in all areas of New South Wales. Some residents who want to stay say that they often assist their family by minding grandchildren over weekends. This reason for tenants remaining in their social housing that is rejected by the department. The Government talks about the role of grandparents in supporting families, but it appears that such talk does not apply if the grandparents are public housing tenants.

The concern of the tenants was obvious to everyone at the meeting. This policy—a straight steal from the conservative government in the United Kingdom—is designed to extract more money from those least able to afford it: public or social housing tenants. The solution to the issue of the underutilisation of public housing dwellings is to build more smaller homes to attract tenants from larger premises into new and modern dwellings. Why is the Government introducing this policy in this way? The solution of building smaller dwellings in order to attract people to move out of larger dwellings has been shown to work well in the Mount Druitt area. New housing built under the stimulus package by the former Government at places such as Shalvey, Blackett and Hebersham shows that tenants are willing to move from older homes to take up new dwellings. The new policy will begin in Shellharbour, Liverpool and Mount Druitt. Is it a coincidence that they are all Labor electorates? This and other attacks on public housing tenants will be resisted and highlighted all the way to the next State election. For many, this is the price of voting Liberal. It is a shame that those most vulnerable and least able to pay will pay the price.

## WAGGA WAGGA ELECTORATE INFRASTRUCTURE FUNDING

**Mr DARYL MAGUIRE** (Wagga Wagga) [6.18 p.m.]: Occasionally members of Parliament need to correct the record of journalistic pieces that seek answers or perhaps are inaccurate in their composition. Recently there was a front page article in the *Daily Advertiser* entitled "Justice Joke". It was complaining about a \$30 million taxpayer-funded investment to improve a Juvenile Justice centre and bemoaning the fact that the number of inmates had reduced. A subsequent editorial said:

The latest incredible example of this is the Riverina Juvenile Justice Centre (RJJC). Having spent almost \$30 million on a refurbishment program, it has now been revealed the centre will house fewer offenders. While the government will no doubt argue the money had to be spent to "bring the facility up to standard", taxpayers have every right to question who in the government decided to proceed with the program if, as state member Daryl Maguire stated in Friday's *Advertiser*, "... assets need investment whether you are using them or not".

Apparently the need for facilities to house juvenile offenders is on the decline and while \$30 million isn't a large sum of money, it could certainly make a difference to a lot of other projects that are currently missing out.

...

The RJCC waste is just the latest in many examples of politicians and public servants spending our money like drunken sailors.

I can inform the writer of the article that in fact this project was committed to in the budget papers of July 2008, when \$29,388,000 was forecast to be invested in the Riverina Juvenile Justice Centre, with a completion date of June 2014. It was actually completed this year. I can inform the House that this very paper was highlighting overcrowding and the need to install double bunks due to the number of inmates housed at that centre. The fact is that the former Government made the decision to invest that sum of almost \$30 million, with that investment scheduled to be spent over four years. A further article called for further funding for Wagga Wagga Base Hospital, suggesting that funding had only been made for stages 1 and 2. This is factually incorrect. The budget papers for 2011-12 reveal that in fact \$270 million was allocated, along with a further \$12 million, bringing the total investment to \$282.1 million to build a new Wagga Wagga Base Hospital for phases 1, 2 and 3. Phase 1 will be completed in October, with the Mental Health Unit opening with an additional 30 beds, bringing the total to 50.

The forward estimates are compiled over four years. The building program is forecast to 2016. So by 2016 a new Wagga Wagga Base Hospital will be built with those funds. The writer did note that since coming to government we have: committed \$17,229,000 to fund a new courthouse and forgot to mention \$40 million in funding for the Kapooka Bridge, construction of which will begin in early 2014; invested \$5 million to upgrade Gocup Road; invested \$8 million in a new multipurpose service for Lockhart, which will be completed this year; spent \$3.2 million on the Gadara Special School, which was opened this year; invested \$1.5 million in the Abbeyfield House accommodation project, which will house 10 people with disabilities; invested \$250,000 in the Leisure Company, an organisation that delivers services for people with disabilities; invested \$1 million to support the Kurrajong Waratah Olearia Place project; and contributed to the Adelong Pool relocation, which is valued at \$2.5 million.

Locally, we have employed more nurses, teachers and extra police, and have given \$100,000 for installation of closed-circuit television cameras. We have given extra funds to improve palliative care and form partnerships to deliver that service. Those are just some of the things that the Liberal-Nationals have done since coming to government. That provides a greater amount of information than was provided in the article, which attempted to attack the government of the day for making a decision to invest in infrastructure. This is the first time I have ever had an editorial complaining about the amount of money being spent in the electorate of Wagga Wagga as that editorial suggested.

**Private members' statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 6.23 p.m. until  
Tuesday 15 October 2013 at 12 noon.**

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