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# LEGISLATIVE ASSEMBLY

Tuesday 22 October 2013

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

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

## MR JOE ANDRADE, PERSONAL ASSISTANT TO SPEAKER

**The SPEAKER:** I remind members and staff throughout the building that a barbecue has commenced for Joe Andrade. I thank all members, including many who are in the Chamber, for their extraordinary generosity, which is continuing. Every minute, every day, we are getting so many donations for Joe. The good news is that Joe will be joining us at some point today so members can spend time with him. Let us all spend some time as a family for a change. Today is all about goodwill.

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## PRIVATE MEMBERS' STATEMENTS

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### LIVERPOOL HOSPITAL WELLNESS CENTRE

**Ms MELANIE GIBBONS** (Menai) [12.06 p.m.]: Today I talk about a special event that I recently attended at Liverpool Hospital. I was asked to open an incredible new facility, the wellness centre, one of the many new additions to the Liverpool Hospital precinct. The wellness centre is the first of its kind, a purpose-built space that enables those going through cancer treatment to be pampered, to talk to a counsellor or simply to have some quiet time. The centre will be of great assistance to patients of the Liverpool Cancer Therapy Centre who will be able to access the additional support services, such as counselling, massage therapy, physiotherapy and nutrition.

The centre receives about 2,000 new cancer patients each year and provides approximately 50 chemotherapy treatments and radiotherapy treatments each day. With treatment numbers expected to double within the next five years, it is critical to have a centre like this ready to help. As well as dealing with the immediate effects of their cancer treatment, patients can have additional health complications such as muscle and joint problems, hormone imbalances and fatigue, as well as ongoing psychological and emotional challenges. While cancer therapy centres can address some of these issues, a dedicated wellness centre provides a greater focus on additional support services in a more comfortable setting.

I know that the centre needs a few more finishing touches before it is fully operational but I look forward to returning to see all its features, including an indoor and outdoor kitchen, a beauty room, physiotherapy room, wig library and patient resource library, up and running. I am almost a regular now at Liverpool Hospital as so many impressive facilities have been opened and revamped in this milestone year; it is 200 years since Liverpool Hospital first opened its doors to help the sick and injured. The opening of the wellness centre is the next step in cementing Liverpool as the hub of medical excellence in the south-west and even in the State.

One of the unique factors of the wellness centre story is the origin of much of the funding. The wellness centre would not have been possible without the tremendous support of the fundraising efforts of last year's Dry July participants. For those who may not be aware, Dry July is the annual fundraising challenge in which participants give up alcohol for the month of July and people are asked to sponsor the participants in their efforts. The money raised from Dry July is used to support cancer treatment programs across the country. For the first time money has been used to create a wellness centre to support those undergoing non-medical

treatment. With \$100,000 contributed to this project and an additional \$90,000 pledged to Liverpool Hospital this year, I can see that this is going to be a great partnership. It must be fulfilling for the Dry July Foundation to see its funds put to such good use and I understand that the foundation is keen to support similar projects in the future. We also were lucky to have at the opening Peter Durrington, one of the fundraisers who last year was the Australian Dry July Fundraiser of the Year, raising an incredible \$21,000.

**Mr Chris Patterson:** My old footy coach.

**Ms MELANIE GIBBONS:** Was he? He is a great man; a very impressive man. The member for Camden would be interested to know that he outdid himself again this year by raising an impressive \$28,000 and he also was named the top New South Wales fundraiser. It was clear after learning that one of his close friends is currently receiving cancer treatment that this cause is particularly close to his heart. It was quite moving for him to see what his money has helped to create and how those undergoing cancer treatments will be able to benefit from a place like the wellness centre. I expect to hear that Peter has beaten his fundraising target again next year. I think the member for Camden and I should take a table at his fundraiser.

**Mr Chris Patterson:** Absolutely. His nickname is "House" because he is the size of a truck.

**Ms MELANIE GIBBONS:** That is now on the record. I found the whole event to be quite inspiring and a positive addition to an area of health that is usually surrounded by fear, stress and sadness—not to mention the demanding and often aggressive forms of cancer treatment. It is nice to know that these people will have a nice place where they can go, do something unrelated to their cancer and hopefully start to feel like themselves again. I acknowledge the contributions of Anthony Schembri, General Manager of Liverpool Hospital, and Professor Geoff Delaney, Director of Cancer Services, who invited me to such a special afternoon, and everyone who gave up their time and attended. It was lovely in particular to see the high regard with which Geoff Delaney is held by his patients and their families as he walked through the new centre. He obviously has a good rapport with them. I also commend Dry July for supporting such a unique project. Hopefully there will soon be more like it around the country. It is an impressive centre that will help people in their quest for good health.

#### **FAMILY RESOURCE AND NETWORK SUPPORT**

**Mr ROBERT FUROLO** (Lakemba) [12.11 p.m.]: It is a pleasure today to highlight again another positive project in the electorate of Lakemba. Members will be well aware of the many challenges faced by families and individuals living in my community, but one of the features of the Lakemba electorate that makes me so proud and humble to represent is the capacity of its people to support and help one other in the great Australian tradition. From the fantastic neighbourhood centres that provide practical support and programs to thousands of families to the religious and culturally-based associations that support new arrivals and refugees, there is a genuine sense that we look out for each other.

It is in this spirit that I recognise the Family Resource and Network Support service, known as FRANS, and the vital work it does in the local community. I am sure many members will be familiar with that marvellous organisation and the work that it does to support individuals with disabilities and their families. Having been started 30 years ago by a small group of parents of children living with disabilities, Family Resource and Network Support has grown to be one of the leaders in programs and support in the disability sector. Today it provides more than 90,000 hours of respite care for around 300 clients and their families. Family Resource and Network Support provides a range of respite services and programs, vacation care, social and recreational programs, outings and events. Importantly, it also provides training and pathways to assist young people living with a disability to achieve a level of autonomy and independence.

It is in this area of supporting and facilitating independence that I recently had the pleasure of joining with the Deputy Leader of the Opposition, Ms Linda Burney, the board, staff, volunteers, clients and families of Family Resource and Network Support for the official opening of Belmore House—the latest achievement of this great organisation in its goal to provide support and encouragement for young people living with a disability to achieve independent living. It is a transitional home—a house that has been modified to meet the needs of a number of clients and to support them in gaining independent living skills. Both the member for Canterbury and I were invited as local members of Parliament. I recognise the support that was provided through the Community Building Partnership program—another great legacy of the former Labor Government. The event was attended by a large number of the Family Resource and Network Support family, as well as local residents who came together to get to know their neighbours and to welcome Belmore House to the community. I was

pleased to support the request from Family Resource and Network Support for \$20,000 towards the cost of modifying the house through the Community Building Partnership program and was amazed by what a great job it had done with the money.

This project also was supported by Ms Linda Burney through the Community Building Partnership program because, like me, she recognises the great work of Family Resource and Network Support and the need for a service like this in the community. A project like this is ideal for the Community Building Partnership program as it helps not-for-profit organisations such as Family Resource and Network Support to meet an identified need within our community and to provide a legacy of equity and infrastructure that can be used by people for years to come. I commend Family Resource and Network Support for its willingness to advocate on behalf of people living with disabilities and to provide care and support to them and their families. Belmore House is a fantastic addition to the range of services that Family Resource and Network Support provides and its benefits will be enjoyed by people for many years to come. I am proud that this facility is operating in my electorate and that local residents, while initially wary, have embraced the new centre and Family Resource and Network Support as great new neighbours. I congratulate all involved and thank Family Resource and Network Support for its ongoing commitment to our community, particularly people living with disabilities.

### **TRIBUTE TO DR MUYESSER DURUR**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [12.15 p.m.]: I have spoken previously in this place about some of the truly amazing people in our community and the enormous impact they make on the lives of so many others. One such person in my electorate is Dr Muyesser Durur. Since arriving in Port Macquarie in February 2012 to take up the position of Director, Port Macquarie Campus of Charles Sturt University, she has certainly left her mark on our wonderful community. Too often people work extremely hard to deliver their vision for their own community without any recognition at all, so speaking today about Muyesser's achievements is certainly a pleasure. Under her direction and commitment, Charles Sturt University is forging ahead as a leading educational provider in the Hastings. Currently, Charles Sturt University operates in Grant and Clarence streets in Port Macquarie and will soon see a fully-fledged university campus built on a greenfield site at Lake Innes in 2016.

Since arriving in the Hastings, Muyesser has developed and fostered key relationships with the Charles Sturt University community and has built a very strong support base through the establishment of relationships with media, professional organisations and networks, industry and community groups, educational providers and political leaders at all levels. To say that Muyesser is a dynamo really is an understatement; in fact one can hardly go anywhere without seeing her name as someone volunteering her time and energy to a vast range of community organisations or as someone who is sought out to be a guest speaker at charitable and community events.

Muyesser was nominated and elected to the board of the Port Macquarie Hastings Chamber of Commerce. She was appointed to the Port Macquarie-Hastings Council Economic Development Steering Committee, which developed the recently released draft economic development strategy. She is the chair of the Edmund Barton Centre and initiated and established the Luminosity Youth Forum, engaging with the young people of the mid North Coast and beyond, resulting in a very successful three-day forum in July this year with 230 attendees. She was a judge of the Business Excellence Awards for the chamber and Hastings Business Women's Network, and has been invited to speak and present at a number of community and professional organisations, such as the Lions clubs, Rotary, the Hastings Business Women's Network and the College of Teachers.

As I said, Muyesser is one person who is very much in demand locally and who is also being recognised for her efforts. Recently she was nominated for the 2013 New South Wales Business Chamber Business Excellence Award and was the winner of the Regional Business Innovation Award. The award is an example of recognition by peers of quality leadership and strategies applied to achieving a successful outcome, in this case the Charles Sturt University building market positioning. The ultimate vision is to have Charles Sturt University paramedic and allied health students working side by side with University of New South Wales medical students and qualified health professionals from the local health district. The efficiencies of sharing equipment and expertise among Charles Sturt University, the University of New South Wales and the Mid North Coast local health district create incredible synergies and economies of scale that could make the Port Macquarie region a centre of excellence in interprofessional medical education. If this partnership can be fully developed it will also create significant research opportunities for the universities and the local health district.

Sustainable workforce development is widely accepted as a critical factor in the region's continuing economic growth, and Mueyesser and her team are working closely with partners in business, industry and the services sector in this regard. Importantly, they are also relying on those same partners to provide work placement programs that will help us achieve the goal of producing highly skilled graduates ready for professional roles within our community. The continued fostering of those partnerships will be vital to identifying and creating work placement opportunities for students. The strong support for Charles Sturt University Port Macquarie Campus is a result of the strategic approach to building credible and lasting relationships with all the key players within the region and, of course, leading by example. Initiatives such as these are typical of Mueyesser and her passion to further advance higher education opportunities on the mid North Coast. On behalf of the Port Macquarie Hastings community, I thank Mueyesser for her work and dedication and I, for one, certainly look forward to continuing to work closely with her in the future.

### **BERKASHA CHARITABLE ASSOCIATION**

**Mr TONY ISSA** (Granville) [12.19 p.m.]: Today I acknowledge an organisation that is very close to my heart. This year the Berkasha Charitable Association is celebrating its fiftieth anniversary. The Berkasha Charitable Association was established in 1963 by a small number of pioneers from my village in Lebanon. The organisation provides assistance and support to families who have migrated to Australia. It helps people find employment and education for their children and offers essential support to aid establishment in their new country. During my time as a councillor at Parramatta City Council I was pleased and honoured to serve for many years as president of the Berkasha Charitable Association.

I was honoured to organise the silver jubilee celebration for the Berkasha Charitable Association. The occasion was celebrated by over 400 people including dignitaries from all levels of government. In 1988, with the full support of the organisation, I formed the youth club to address the needs of our youth. The main objective of the youth club is to keep young people occupied and away from the dangers of drug and alcohol abuse and to raise awareness of the dangerous effects of drugs and alcohol. Young people are encouraged to achieve a high level of education in order to join the workforce and to make a contribution to society. I am pleased to say that the unemployment rate for the young people involved in this organisation is less than 2 per cent.

Members of this organisation contribute to the community and to our economy in a number of ways. They are involved in many different areas of employment such as law, medicine, teaching, self-employed businesses and even politics. In 1990 the organisation purchased a property where it now carries out its activities by providing services to members such as seminars that address health and youth, and neighbourhood law and order issues. All seminars are conducted by professional people at no cost to the association. The association also provides social and recreational activities for its members. Last Saturday some members were honoured for their remarkable work and assistance to this great association and, to my surprise, I was one of them.

I congratulate everyone awarded on their service and acknowledge and pay tribute to all members past and present. I thank the current management committee for its hard work in carrying forward the legacy of this organisation for the benefit of future generations. On behalf of the many families in my village I take this opportunity to thank the organisation for the support that it has provided. I wish the organisation the best of luck in its future endeavours. I hope that it continues its great work and that it grows and prospers. Finally, I am proud to be a member of the Berkasha Charitable Association and proclaim that I will always be at its service.

### **MOUNT KEIRA SCOUT CAMP**

**Mr RYAN PARK** (Keira) [12.23 p.m.]: Today I acknowledge the wonderful work of the Scout movement in the Illawarra region. I have been working with them for 2½ years and recently I had the pleasure of attending the historic camp site at the Mount Keira lookout. For those involved in the Scout movement this is a venue with which they would be familiar. Mount Keira Scout camp was established in 1939 by Sid Hoskins of Hoskins Kembbla steelworks, then BHP Billiton and latterly BlueScope Steel. It has been described by many as one of the most beautiful camp sites in the world. The Mount Keira Scout camp is a large area located in a well preserved subtropical rainforest. It is estimated that between 60 and 80 million years ago Mount Keira was formed. Mount Keira enjoys a significant history in the Illawarra region. "Keira" is an Indigenous term for high mountain. Aboriginal people call it "Djera" which means wild turkey.

It is a great honour to be the representative of an electorate that utilises the name "Keira" in its electorate description. As part of the recent celebrations two accomplishments were recognised. The first

accomplishment was a permanent power supply for the area—something I had been working towards with the local Scout movement. In particular I thank Mr George Kolsky for securing that power supply and for his hard work and the work of others over many years. The second accomplishment was the launch of a booklet published by the Mount Keira scouting group entitled "Mt Keira—More than just a ... scout camp. Rich in history—Rich in heritage." I extend particular thanks to David Coates, Kevin McDonald and Barry Wilson who assisted in the production of that booklet.

This camp is located in an area that is difficult to access. At the moment a road is closed to the Scout camp which means that people accessing the camp have to go a long way around and people coming out of Keira and Keiraville have great difficulty in leaving suburbs in those areas. Recently, at a regular community street meeting in the suburb of Keiraville, the issue was raised again. As it is a council road I urged the local council to apply for funding through the Local Infrastructure Renewal Scheme. The Minister for Local Government, and Minister for the North Coast is in the House today and is generously providing funding for councils to access and borrow for major road upgrades. I have written to council and met with the mayor and provided him with the documentation that the Minister's department has on its website about how to apply for a grant. I know it is a lot of money, but I encourage the council to work in partnership with the State to ensure that this road is improved.

Anyone who has any knowledge of the area would know that Mount Keira Summit Park, which is located at the top of the mountain, provides a picturesque view of the entire Illawarra and South Coast region—the view is second to none. Unfortunately, that area has gone into disrepair. It is an important project that will need funding at a local and State level. I see an opportunity for council to aggressively work towards making an application to the Local Infrastructure Renewal Scheme. I will make sure that the Minister is aware that I have written to the mayor encouraging these works. It is a genuine issue that needs to be addressed for the Mount Keira Scout camp but, more importantly, to drive economic tourism in our region. I pay tribute to everyone involved in scouting for the leadership and development opportunities they provide to young people in the local region.

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [12.28 p.m.]: I thank the member for Keira for his positive comments relating to the Local Infrastructure Renewal Scheme. All members whose electorates and councils have had the benefit of infrastructure upgrades would agree it is a good scheme whereby the State Government provides an interest subsidy for council borrowings. I indicate to the member for Keira that applications are currently open and will be open until 30 December 2013. I encourage council to put in an application. An amount of \$35 million worth of State funding is available for interest subsidies which will generate about \$300 million to \$400 million worth of projects such as the one mentioned by the member for Keira. The assessment is done by an independent panel comprising representatives from the departments of Local Government and Treasury, not by me or any other member of Parliament. We have to wait for the decision. Generally speaking, the few applications that have been knocked back were for particular reasons, such as not meeting criteria. I look forward to receiving the application from the member's council.

#### **URALLA SHIRE COUNCIL INTERNATIONAL AWARD**

**Mr ADAM MARSHALL** (Northern Tablelands) [12.29 p.m.]: Today I speak about one of the eight councils within my electorate to inform the House of the recent success of Uralla Shire Council.

**Mr Greg Piper:** A good council.

**Mr ADAM MARSHALL:** It is a very good council and, appropriately, the very good local government Minister is at the table. He will be interested in what Uralla Shire Council has been up to. The International City/County Management Association [ICMA] Awards Evaluation Panel selected Uralla Shire Council's Community Services Auspiced Program as a recipient of the Community Health and Safety Program Excellence Award for 2013. The award recognises worldwide local government programs or processes that demonstrate innovation, excellence and success in community safety, health and/or wellness, including enhancement in the quality of life for the disadvantaged. Uralla Shire Council has auspiced community services for the past 25 years, beginning with the Tablelands Community Support Options Program that initially encompassed services for non-Indigenous people only.

Over the years Uralla Shire Council has gained a reputation for excellent governance and delivery of services, leading council to provide services for various programs over some 40,415 square kilometres in the

Northern Tablelands region. The auspiced community services programs for 2012-2013 totalled more than \$5.5 million, or just over 34.4 per cent of council's operating budget. The following are the seven components of the council's community services auspiced programs. The Tablelands Community Options Program, which receives funding of almost \$2 million, provides complex case management to aged people, people with a disability and their carers, those living in very disadvantaged circumstances and other special needs groups to reach identified goals. Uralla Shire Council saw a need to fund a service to assist disadvantaged people to access services to support and enhance their lifestyle and the aged to remain in their own homes rather than be placed in aged care facilities.

Kamilaroi Ageing and Disability Service receives approximately \$1.9 million in funding. Prior to 2006 Kamilaroi was a community-based operation but due to governance and administrative issues, the Federal Government's Department of Health, which oversees the program, organised for Uralla Shire Council to auspice the program, given its proven expertise. The Tablelands Community Transport system is a rural volunteer-based organisation administered under Transport for NSW and Infrastructure NSW auspiced by the council providing services to the local government areas of Walcha, Uralla, Armidale-Dumaresq and Guyra. Last year the area covered more than 18,000 square kilometres and serviced a population of some 65,000. The McMaugh Gardens Aged Care Centre is a 36-bed aged care facility that council developed from an initial 22 beds in November 1990. McMaugh's provides all care levels—low, high and dementia—and three respite rooms; it is accredited to 4 August 2015.

Bundarra Neighbour Aid serves the small community of Bundarra, 74 kilometres north-west of Uralla, and has a part-time coordinator providing a weekly day care program. The Grace Munro Aged Care Centre also is in Bundarra. In February 1999 NSW Health transferred the closed hospital to Uralla Shire Council for \$1 provided that a section of the building be rent free for community health and nursing. In 2004 Uralla council constructed an 11-bed low-care aged facility and since 2010 has provided this facility rent free under the successful operation of a community corporation. Late last month in Boston, Massachusetts, Uralla Shire Council's General Manager, Tom O'Connor, accepted this award on behalf of the community and the council. This is the first time this award has been given to an organisation outside the North American continent. Indeed, it is a strong achievement by Uralla Shire Council.

I congratulate Tom O'Connor, Uralla council's general manager, Mayor Mick Pearce, Deputy Mayor Bob Crouch and all councillors on their outstanding leadership. Uralla Shire Council is a small council in the Northern Tablelands but it punches above its weight by providing excellent essential non-core local government services for Uralla and communities across the tablelands region. This award is another example of an outstanding achievement from an outstanding council.

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [12.34 p.m.]: Despite his youth, the member for Northern Tablelands is very experienced in local government and I thank him for drawing our attention to this significant award to Uralla Shire Council. I take this opportunity to congratulate the council on the wonderful community services it has auspiced over 25 years. I particularly recognise this most recent significant achievement—awarded for the first time outside the United States of America to a foreign council, as it were. Uralla Shire Council is relatively small but receiving such a prestigious award is recognition of its wonderful work. Again, I thank the member for drawing the House's attention to this significant achievement by Uralla Shire Council.

#### **EMERGENCY SERVICES BUSHFIRE RESPONSE**

**Mr GREG PIPER** (Lake Macquarie) [12.35 p.m.]: Today I pay tribute to the efforts of our firefighters, emergency personnel and volunteers around the State, particularly those involved in fighting the devastating fires around Lake Macquarie, the Blue Mountains and other sites. To date the State electorate of Lake Macquarie has been largely spared the impact of what has been widely acknowledged as the State's worst bushfires in 45 years, but our friends and neighbours on the eastern side of the lake, in the electorate of my friend and colleague the member for Swansea, have not been so lucky. The huge Rutley's Road fire burnt out nearly 3,000 hectares of bushland, also claiming properties in its path and, tragically, was the trigger in the death of one Lake Munmorah resident, who suffered a suspected heart attack while trying to defend his home.

I am in awe of and immensely grateful to the hundreds of firefighters from Lake Macquarie and the Central Coast who fought the Rutley's Road blaze. Their selfless efforts contained what could have been a catastrophic loss of homes and property. I saw the huge smoke plume rising from the area as I drove home from Parliament on the M1 last Thursday and feared the worst. Yet, against all odds, the skill and courage of our



firefighters saved many homes and businesses in the path of the inferno. On Friday I called in on the Peninsula Rural Fire Brigade at its Mirrabooka station and heard stories of efforts to protect the community of Catherine Hill Bay, where losses were kept to a handful of properties against fears at one stage that the whole community was threatened. Peninsula Rural Fire Service members successfully earned the gratitude of locals and regular visitors to the hamlet by steering the fire away from the iconic "Catho Pub"—although by all accounts the rescue mission was touch and go.

Embers caused the back storeroom to catch fire and firefighters kicked down the door to put out the fire and prevent it from spreading to the pub. Firefighters from the Peninsula brigade also assisted in the attempted defence of historic Wallarah House, which, unfortunately, was a casualty of the fire. I have shared on my Facebook page vision of the flames while driving along the Pacific Highway posted by Peninsula fire brigade officer David Lemcke. It was an amazing sight. I acknowledge also the efforts of volunteers who manned the crisis centre at Swansea RSL to assist those stranded by the fires, plus members of local community service organisations and charities who have been collecting money and supplies for those who have lost property or been otherwise affected by the fires. Rather ironically, today we are doing the same by assisting one of our own—Joe Andrade.

Local media, too, deserve acknowledgement for keeping people updated as the emergency evolved, particularly radio stations ABC 1233 and 2HD, which abandoned usual programming to provide emergency coverage, and the *Newcastle Herald*, which has provided extensive rolling reports via its website and printed editions. Members may have seen the poignant photograph taken by *Newcastle Herald* reporter Phil Hearne of members of the Wallarah Rural Fire Service—including a 17-year-old who is doing his Higher School Certificate exams—lying totally spent on the hard, hot tarmac by the side of the road as a fire they had just brought under control continued to smoulder in the scrub just metres away. That photo, which has been viewed on social media by about four million people around the world, conveys in one glance the selflessness and dedication of these wonderful volunteers. I hope it will remain vivid in people's minds in coming months as they are asked to put their hands in their pockets to donate to this worthy service or to help those affected by the fires.

We face a horrendous bushfire season ahead and the many rural and semi-rural areas in my electorate, although they were fortunate this time, are highly vulnerable to fire after a year of little rain. The events of the past week are a salient warning to people in bushfire-prone areas to be prepared, to have a fire plan and also to be prepared to leave when told to do so. Our local brigades have all been involved in helping others and I know they will be risking their lives again before this summer is over. I urge people, not only those in my electorate but also those across the State in areas that pose any risk, to prepare their homes and to have a plan to deal with the worst-case scenario. Our Rural Fire Service volunteers and other members of the emergency services have the deep appreciation of their community for what they have done. Of course, we all offer our best wishes for their safety in dealing with what nature will throw at us in the months ahead. We have a number of great brigades in my electorate, in particular the brigades from Awaba, Cooranbong, Dora Creek, Killingworth, Mandalong, Martinsville, Wallarah Peninsula, Wakefield, Wyee and Wyee Point. I thank them for their selfless dedication not only this year but also in previous years. I know they will continue to lend a hand in the future.

**ACTING-SPEAKER (Mr Lee Evans):** Order! I thank the member for Lake Macquarie for his contribution and I agree with his sentiments.

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [12.40 p.m.]: On behalf of the Government, I join the member for Lake Macquarie in offering support and thanks to the communities affected by the bushfires, and particularly to the Rural Fire Service and emergency workers. As the Premier and the Minister for Emergency Services have both indicated on several occasions, we are fortunate to have such a wonderful group of firefighters and other emergency workers at our disposal. Of course, many of them are volunteers. We are extremely fortunate in this State and in this country to have the sorts of people who are prepared to roll up their sleeves and to get stuck in during emergencies.

I join the member in supporting them and thanking everyone who has been involved in the emergency, whether they be members of the Rural Fire Service, the NSW Police Force, the Ambulance Service of NSW or the NSW State Emergency Service. I thank the volunteers who have provided sustenance for firefighters and others to keep them rejuvenated and able to continue. I also thank the firefighters who have come from interstate to help. As the member for Lake Macquarie said, as we speak a function is being held in the Speaker's garden to raise money to assist a member of the parliamentary staff who has lost his home. We are doing what we can in the Aussie tradition of supporting our mates in a difficult time.

## LOOKING GLASS BAY

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Fair Trading) [12.41 p.m.]: On 21 September, I had the opportunity to participate in a most pleasant walk in the park. The real purpose of the walk was to attend the unveiling of a statue and painting depicting the naming of Looking Glass Bay in Gladesville by Governor Arthur Phillip on 15 February 1788. This record of the interaction is in *A Voyage to New South Wales, December 1786-May 1792* by Lieutenant William Bradley, who accompanied Captain Phillip on his voyage. A quote in that journal provides a valuable insight into that experience:

"We stopped at a Neck of Land for breakfast."

"We were soon met there by a Native arm'd".

"He laid down his spear as soon as he joined us, & had more curiosity than any we had met with."

"He examined everything attentively and went into all our boats, from one to the other.

"The Governor gave this Man a hatchet, and a looking-glass, which, when he looked into, he looked immediately behind the Glass to see if any person was there, and then pointed to the Glass and the Shadows which he saw in the Water, signifying that they were similar."

The naming of Looking Glass Bay by Governor Phillip is today acknowledged as helping to lay the foundations of harmonious relations with the local Indigenous people. I thank the Governor of New South Wales, Her Excellency Professor Marie Bashir, and Aboriginal elder Allen Madden for their presence at the event. Also in attendance were the Mayor of Hunters Hill, Councillor Richard Quinn; the Mayor of Ryde, Councillor Roy Maggio; Hunters Hill Councillor Zac Miles; and members of the Fellowship of First Fleeters.

The program commenced with a welcome to country performed by elder Allen Madden, which was appropriate given the event's connection to our nation's and Indigenous Australian history and relations. The welcome was followed by a re-enactment of Arthur Phillip's landing, complete with costumes and music. Mr Ross Pitts spoke about the significant historical value of the site, including Rockend, the cottage where the famous Australian poet Banjo Paterson once lived. Today, the cottage is a restaurant, named after Paterson—and it is a very good restaurant. Governor Bashir delivered an entertaining and informative address before unveiling the statue in company with elder Madden. The significance of the statue was then explained by the sculptor's son, Mr Sascha Chandler. Guests were then invited to Banjo Paterson Cottage Restaurant, where a painting by artist Peter Fennell was unveiled. This compelling work depicts the landing by Governor Phillip at what is now Looking Glass Bay.

On hand for the unveiling of the painting were members of the Fellowship of First Fleeters. Ian Palmer, the president of the fellowship, gave an insightful speech along with the artist Peter Fennell. I thank Mr Pitts and the Banjo Paterson Cottage Restaurant not only for their hospitality but also, and more importantly, for the important cultural contribution they have made to the Gladesville community. It is culturally fulfilling that interactions between Australia's Aboriginal peoples and settlers have developed significantly since Arthur Phillip's encounter with the Wallumedegal people in 1788, and it is a source of pride to see the history of such interaction being recognised. The statue and painting recognise the uniqueness of this interaction, and I was privileged to be present at this historically significant cultural gathering. I thank everyone for their attendance at the event and look forward to the opportunity of seeing the statue and painting over many decades.

## PARKES MUSICAL AND DRAMATIC SOCIETY

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [12.46 p.m.]: I draw the attention of the House to the Parkes Musical and Dramatic Society and its 2013 production of *The Sound of Music*. The production's musical director, Neil Westcott, who also portrayed Captain von Trapp, used the following words to capture the spirit of the event:

To enrich your life with wonderful people and then have the soaring tunes of The Sound of Music as your soundtrack to work by, must surely be one of the most enviable situations to find oneself in. Over the past few months, from audition to opening night, hard work was fun and excellence was our motto.

I had the enormous pleasure of attending the final night of the production in the Little Theatre in Parkes with my family.

**Mr David Elliott:** What part did you play?

**Mr TROY GRANT:** I did not perform. I do not have a detailed knowledge of the arts, nor am I an art critic. However, I can categorically say that my family and I were in awe watching a superb show presented by the Parkes Musical and Dramatic Society, which has been staging performances for nearly 100 years. It is said that music and the arts can enrich one's soul, and I have no hesitation in saying that my soul was truly enriched that evening. Bill Jayet, a local journalist, played the comedic role of Max and Christine Green was Elsa. However, the undoubted star of the performance was Shevaun Brown, who played Maria. She was sublime and if she does not win a fistful of awards at the Canberra Area Theatre Awards ceremony this year I will ask for an inquiry. She was sensational.

Her voice was pristine, her timing was unbelievable and her acting was magnificent. I was told that Shevaun was so determined to win the role that she spent two years preparing for it. She certainly did it justice. She said that it was hard to put into words what an amazing experience it had been. She came to town in 2005 knowing only a few people and someone suggested that she join the Parkes Dramatic and Musical Society. She had never done anything like that before, but she thought it would be fun and a great way to meet people. She was right on both counts. She said that being given the opportunity to play Maria in *The Sound of Music* was beyond anything she had ever imagined. It was a huge vocal and physical challenge for her, but she enjoyed every second. She has repaid the society in spades by her sublime performance.

These events are not possible without the support of people behind the scenes. Lyn Townsend, the director, did an outstanding job and was ably assisted by a wonderful musical ensemble, which included Lisa Betts, Pam Ward, Amy Deardon, Doug Richards and Nigel Thomas. The cast of wonderful people who took care of the sets, props and backstage sound and lighting included Russell Tanswell, Brian Townsend, Peter Guppy, Michael McGrath and Geoff Lindsay. Brian Townsend looked after set design. People wear many hats in small communities when creating a production of this magnitude. These are special people and I was blown away by their efforts. Shyamini Naidu is new to the society, Parkes and Australia. She gave a wonderful performance in her role as Sister Margaretta. She has an angelic voice and enchanted the audience with her big smile.

I have written to every cast member—the sisters, nuns, postulants and novices, and those who portrayed the Von Trapp children. Two groups of children portrayed the Von Trapp children; I saw only one group on the night. They are all outstanding young actors and singers. Mirielle Marks, Morgan Flynn, Shannon Green, Riley Thomson, Gracie Jones, Maia Hennock and Nikita Martin are stars of the future. I commend the society for their efforts and look forward to future productions.

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [12.51 p.m.]: I thank the member for Dubbo for telling us about *The Sound of Music* production performed by the Parkes Musical and Dramatic Society. In January I was in Parkes for the Elvis Festival; it is nice to hear that Parkes is putting on other musical productions. Those of us who live in the country do not attend a lot of productions in the city but we get a lot of satisfaction from attending local amateur theatre performances. As the member for Dubbo said, such performances provide not only enjoyment for the local community but also an opportunity for amateur performers to test their skills on the stage. Often these people are performing for the first time and they experience a tremendous buzz. We are fortunate to have music and theatre societies in our local communities; they provide pleasure for many people, including the member for Dubbo.

### FAMILY RESOURCE AND NETWORK SUPPORT

**Mr JOHN SIDOTI** (Drummoyne) [12.52 p.m.]: It gives me great pleasure to inform the House about an organisation that I have been associated with for many years: Family Resource and Network Support Incorporated [FRANS]. This organisation assists people with disabilities, their families and carers. Recently, on behalf of the Hon. John Ajaka, the Minister for Disability Services, I had the honour of speaking at its thirtieth anniversary celebration. I express my deepest appreciation to the Family Resource and Network Support Incorporated representatives who organised and hosted the event, which marked a significant milestone. In particular, I congratulate the organisation's chief executive officer, Mr Jerry McNamara, who did an amazing job. I thank the president, Mr Glenn Ball, the vice president, Ms Emily Dash, and all board members, including Mary Lou Carter who is a great advocate for disability services. I wish there were more people like Mary Lou Carter in my electorate. Ms Patricia Dunn, the founding member of Family Resource and Network Support Incorporated, was also in attendance.

Family Resource and Network Support Incorporated has provided a valuable service for three decades to people with disabilities, their families and carers. This is a fantastic effort and I can only imagine the number

of lives that have changed for the better in that time. Family Resource and Network Support Incorporated delivers a wide range of quality services, including life skills, employment, respite, community participation, transition to work, post-school options, day programs and self-directed support services in the inner west for people with disabilities and their families in order to support them and enable them to live in their communities on their terms. In 2013-14 the organisation will receive \$2.3 million in funding from Ageing, Disability and Home Care to provide those services. This funding has grown by 50 per cent over the past five years, which is welcome news and testament to the efforts of its team and the quality services they provide.

Family Resource and Network Support Incorporated also coordinates various events to raise funds for its self-funded independence program, which empowers people with a disability to live more active and independent lives through the development of social and independent living skills. It focuses on possibilities rather than limitations and supports disabled people to make decisions that will enable them to exercise their right to be socially included and treated as equals. On 1 July 2013 the New South Wales and Commonwealth governments jointly announced the launch of the historic National Disability Insurance Scheme. This scheme provides much hope to people with disabilities, their families and carers because it will ensure that all people with a disability will have a choice and, importantly, the ability to live life the way they want.

The O'Farrell Government is moving towards the full introduction of the National Disability Insurance Scheme by 2018, in partnership with great organisations such as Family Resource and Network Supply Incorporated. Local providers are part of the fabric of our communities and I acknowledge the special place that this organisation has in the inner west. The member for Lakemba was heavily involved in this organisation when he was mayor of Canterbury. As I celebrated the event with joy, it allowed me to reflect on how we can work together to improve the lives of people with disabilities, their families and carers. On the night I quoted the words of Helen Keller, which had been provided to me by the Minister for Disability Services: "Alone we can do so little, but together we can do so much." I commend Family Resource and Network Support Incorporated for providing quality support to people with disabilities and those who care for them.

#### RYDE ELECTORATE EVENTS

**Mr VICTOR DOMINELLO** (Ryde—Minister for Citizenship and Communities, and Minister for Aboriginal Affairs) [12.57 p.m.]: I draw the attention of the House to a recent incident of racial graffiti in the Ryde area that shocked the whole community. I publicly condemned these attacks as hurtful and not reflective of the overwhelming cohesive diverse community of my wonderful electorate. Whilst it was an isolated incident, it was still upsetting not only for me but also for local residents that someone would carry out such an appalling and cowardly attack. Residents showed immense support for Mr Nguyen, the property owner targeted by the graffiti, through their words and actions of encouragement. Indeed, he was greatly comforted by this support. I applaud the *Northern District Times*, in particular the editor, Colin Kerr, and journalist Robbie Patterson, for condemning this act.

At the *Weekly Times* 2013 Granny Smith Festival a display of harmony and community was evident. This has always been a testament to the diversity of the electorate of Ryde, endorsing connections to our history and celebrating our journey forward. The street parade marked the start of the festivities. The Mayor of the City of Ryde, Councillor Roy Maggio, led the parade. I was pleased to be joined on this occasion by my wonderful, beautiful and outstanding mum, Josephine Dominello—everyone loves their mum and I particularly love mine—who has lived in the area all her life. In fact, my mum went to North Ryde Public School, as did the Minister for Transport, Gladys Berejiklian, although obviously at different times. I was also accompanied by my niece and nephew Charlotte and Jack, both of whom I love dearly. My State colleagues, the Hon. Greg Smith and the Hon. Anthony Roberts, with his family, and our Federal colleague Mr John Alexander were also honoured to be in the parade.

No festival parade would be complete without its queen. This year's Granny Smith Festival Queen, Olivia Kierdal, and runners-up Jackie Cresland and Yvonne Wang waved to the cheering crowds as they were transported in a beautiful array of vintage cars. The acrobatics and dance abilities of the Jdance Performance Studio and the Dance First Academy were on display and their costumes sparkled in the bright sunlight as they danced along the street. The distinctive sounds of the Castle Hill RSL Pipe Band and the Epping RSL Golden Kangaroos Marching Band escorted the Australian Air League, Girl Guides and the City of Ryde Scout groups.

The Marist College boys were led to the tunes of the guitar ensemble and Marsden High School students escorted RG Music's Roseanna Gallo. Eastwood Primary School students enjoyed the antics of AJH Sports STARS and the beauty of the T. J. Andrews antique horse-drawn hearse was something to behold.

We all thought of beautiful scones as the Eastwood Epping Country Women's Association marched past to the clip-clop of the mounted police horses. Our energetic Eastwood Chinese Senior Citizens Club, the Chinese Australia Baptist Church, the Eastwood Uniting Church, the Northern District Chinese Christian Church and the Church of the Good Shepherd added colour and motion, with Young Life Australia, the Phoenix Beauty Group and members of The Greens giving a glimpse of many possibilities open to all. The Sydney Korean Women's Association members were splendid, as always, in their traditional gowns and the Falun Dafa Association's brilliant yellow costumes and excellent drumming were spectacular. There were loud cheers for our Eastwood Fire Brigade and the Ryde State Emergency Service. I know our community were generous in their donations for the recent bushfire appeals. This was just the beginning of the day. It got better as the day progressed and culminated in fireworks on the oval.

The Granny Smith Festival is only successful because of the planning and work of many behind the scenes. I congratulate and thank the organising committee chairperson, De'ann Hespe. De'ann has dedicated many years to ensuring that the festival truly reflects the community and is enjoyed by all community members and visitors. She is assisted by a generous group of community volunteers including Roseanna Gallo, OAM, Craig Laybutt, John Manenti, Lindsay Mar and Edna Wilde, OAM. They in turn are supported by community organisations and their staff: the City of Ryde's Derek McCarthy, who has been doing this for years; Eastwood Centre's Jeff Hancock; Gary Spence and Chantha Mau from Eastwood police; and the *Weekly Times*' one and only John Booth. These people organised and managed the day's events which drew a crowd of more than 80,000. I applaud all those associated with the Granny Smith Festival. It is a really remarkable event and it continues to grow each year. It brings everyone in our community together, and for that I am deeply grateful.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [1.02 p.m.]: I congratulate the member for Ryde and Minister for Citizenship and Communities, and Minister for Aboriginal Affairs on his participation in the Granny Smith Festival, as well as my State colleague Anthony Roberts and Federal colleague John Alexander. This is an iconic event. This year it is estimated that about 100,000 people attended the festival. No other community festival I am aware of in this State, or probably country, draws as many people from so many lands to show the best of their cultures in cooking, music and various things they make. I recall Marist College Eastwood made quite a big contribution. The member for Ryde is an old boy of that school. My uncle, Brother Leopold, was the founding headmaster. It is a great event to celebrate with the community the development of such a wonderful apple.

**ACTING-SPEAKER (Mr Lee Evans):** I thank the member for Ryde, Minister for Citizenship and Communities, and Minister for Aboriginal Affairs for his descriptive and heartfelt private member's statement.

### **RURAL FIRE SERVICE**

**Mr BRYAN DOYLE** (Campbelltown) [1.03 p.m.]: It gives me great pleasure to tell the House about the wonderful work of our Rural Fire Service. I am particularly pleased that there are many young students in the gallery, who are representative of our great young community. Many of our community members of about the same age are engaged in Rural Fire Service duty as we speak. We are currently in dangerous times with total fire bans, and a state of emergency has been declared. This gives our emergency services extra powers to manage evacuation scenes. The Rural Fire Service at Macarthur is on the job protecting our community with brigades such as Kentlyn, Lynwood Park, Macarthur, Menangle Park, Minto Heights and Wedderburn. Throughout the year, when things are quiet, they plan, recruit new officers, train and back-burn in anticipation of the danger days we are currently facing.

The people doing this are not supermen and superwomen. They are ordinary people doing an extraordinary job. I give a brief insight into some of these ordinary people doing extraordinary things. Young Renee Earnshaw is probably no older than the people in the gallery. She works as an optical assistant at Specsavers during the day and is a newly qualified volunteer rural firefighter protecting our community. Megan Fishbourne, as beautiful as she is brave, is an old Ingleburn High School girl. She recently stepped down from her work as a supervisor at Medical Imaging at Campbelltown so that she could focus full-time on her volunteer firefighting duties and work up her supervisory training levels. She is back-burning to make fire breaks to combat the bushfire emergency at night while we sleep.

Michael Reynolds is currently studying photography at TAFE. In between fighting fires he has taken some iconic photos of the Rural Fire Service that grace not only my Facebook page but also those of the Rural Fire Service. He is the son of Rural Fire Service officer Lindsay, more commonly known as Moses for his biblical looks, wisdom and firefighting service. My friend Chris Wood is a senior officer at Allianz and a senior

Rural Fire Service officer. He and his son Michael have a family tradition of protecting our community from fires. Liam Rixon is an old boy of John Therry Catholic High School and now an electrical tradesman. He is a veteran of the Australian Capital Territory bushfire emergency. He is married with a young family but still combating bushfires. Melissa Heffernan is a workplace health and safety officer with the NSW Rural Fire Service making sure our officers are trained and ready to go.

No Rural Fire Service can function without station captains and commissioned officers. These are people such as David Scott, captain at Wedderburn; Steve Willis, a young captain at Kentlyn Rural Fire Service and an old boy of St Greg's; Superintendent Jason Heffernan, a former police colleague, who is now responsible for directing operations; and Commissioner Shane Fitzsimmons, AFSM, who guides our Rural Fire Service. I thank these station captains, commissioned officers and the commissioner. They have the foresight to train our volunteer Rural Fire Service firefighters and the courage to send young people and officers under their command into the danger zones. It is not an easy job. On television the other night you could see the commissioner was moved by the fact that some of his officers had lost their homes while defending the homes of others.

With the weather likely to turn very ugly in the next couple of days, fire coverage in the Wedderburn area will be important. Tonight I will attend a meeting with the Wedderburn Rural Fire Service at the Wedderburn Outdoor Resource Centre. At this meeting representatives of the NSW Rural Fire Service and other agencies will be available to provide information and advice to the good folk of Wedderburn. For updates on the current fire situation I urge people to visit the NSW Rural Fire Service website at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) or to call the NSW Rural Fire Service Bush Fire Information Line on 1800 679 737. The catchphrase is: Prepare, act survive.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [1.08 p.m.]: The member for Campbelltown highlighted the selfless, life-threatening activities undertaken by volunteer members of the NSW Rural Fire Service brigades in his local area. This is happening right throughout the State, and it is something that all members of Parliament and all citizens must be truly grateful for. Most people in our community are takers; these people are givers. They give of their time and risk their lives. I say to them: I salute you and godspeed to you.

### HAWKESBURY ELECTORATE EVENTS

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [1.09 p.m.]: I advise the House of some recent events across the Hawkesbury electorate. On Friday evening I was invited to attend the annual red and black night for the Kellyville Kolts Soccer Club. I am the proud patron of this club, which I have been involved with since 1990 when my son was first enrolled as a soccer player with the under-six team. The club is situated at the Bernie Mullane Sports Complex and now boasts over 1,000 registered players, which is testament to this organisation and the many dedicated people involved in this successful facility. I particularly thank President Steve Prattent and my good friend Craig Yaupang who is a driving force behind this great club. I also congratulate the many coaches, managers and parents who give up their time every Saturday to help provide healthy outdoor sporting activities for the communities of Kellyville and surrounding suburbs.

On Saturday 12 October I was invited to open the new Annangrove medical practice. This practice will, I believe, be incredibly popular in this small, rural village in my electorate. I take this opportunity to congratulate Dr Thomas. He now has several practices across north-west Sydney providing excellent health services to our local communities. On Sunday 13 October I was invited by my good friend Patricia Latta to attend the Blues on the Green event at Rouse Hill House, Kurmond. The event was held to raise much-needed funds on behalf of the Animal Welfare League NSW. They do a wonderful job caring for discarded and debilitated animals. Rouse House has a long history and the owners kindly provided me and my wife, Wendy, with a grand tour of this wonderful historic home.

On Friday 18 October the Dural Men's Shed invited me to a barbecue lunch to celebrate yet another successful two-month program of rehabilitation in conjunction with Whitelion. Once again they provided woodworking education and skills to teenagers from across Western Sydney. This program is really proving its worth, with six of the youths building two fully completed pool tables, which will now be donated to worthy causes. Since the program commenced, several of these youths have found full-time apprenticeships and full-time employment. The old guys at the Dural Men's Shed have many years of experience as qualified tradesmen and love passing on their skills to the young lads in this program. This is a wonderful mentoring program which I believe should be expanded across more men's sheds to help provide important role models and skills to young guys looking for support and a career path in the woodworking and metal trades.

On Monday 21 October I joined my colleague Matt Kean, the member for Hornsby, and Steve Russell, the Mayor of Hornsby Shire Council, at Northholm Grammar School to acknowledge the recent recruits to the NSW Rural Fire Service cadets. Thirty-one students from the school successfully completed a course to become volunteer firefighters. They will become the next generation of firefighting leaders on behalf of our community. I commend all the students, the school and the local brigade in Arcadia for implementing this program. I hope other schools in my area will take up that initiative. On that note I say a huge thank you to the many hundreds of NSW Rural Fire Service and NSW State Emergency Service volunteers, Australian Red Cross New South Wales volunteers, firefighters, New South Wales police, members of the Animal Welfare League and the many other people who are currently defending properties and national parks in the backyard of my electorate of Hawkesbury.

On Saturday afternoon the Premier called me to advise that he was invoking a state of emergency across New South Wales. He suggested that the communities of Bilpin and Mountain Lagoon in my electorate would be asked to leave their homes and evacuate because we have to protect life at all costs. He suggested it might be worthwhile joining the members of my community, who I know very well, to comfort them and to do anything we could to encourage them to leave if they were not well prepared and to continue to work alongside the NSW Rural Fire Service. Residents need to take on board the information available so that the NSW Rural Fire Service can protect not only them but also their properties. I witnessed first-hand the massive back-burning efforts along Mountain Lagoon Road and the Bells Line of Road. Tens of kilometres of contaminant line were put in to hopefully prevent the State Mine fire from Lithgow penetrating any further across my electorate.

Today members of the NSW Rural Fire Service will be notifying residents in Kurrajong Heights, Kurrajong, Yarramundi and the Grose Valley of the potential threat in the next 24 hours if the weather conditions continue to deteriorate. On behalf of the Parliament, I thank these brave people of the NSW Rural Fire Service. They are absolute saints. We appreciate the work they do and encourage them to keep up the fight in the ensuing days. Our prayers and best wishes are with them.

### **ALBURY MEALS ON WHEELS**

**Mr GREG APLIN** (Albury) [1.14 p.m.]: From their premises at Poole Street, Albury, Meals on Wheels volunteers drive out into the city bringing warm meals and companionship to many who are restricted in their freedom of movement. It feels like Meals on Wheels has been with us forever, but it is just this year that the Albury service has reached its fiftieth anniversary, and that is something worth celebrating. Over that half-century of caring, it is estimated that more than 1.3 million meals have been prepared and delivered. Even today, Albury's Meals on Wheels crew deliver more than 500 meals each week, operating each and every day. At the centre of this amazing statistic is the reality of a team based on community volunteering. This is a supreme illustration of people helping people. The strength of the Meals on Wheels movement is that it is based in the community that it serves—it is not a "top down" model of action.

Meals on Wheels had its origins in Britain during World War II, when volunteers brought meals to frail, aged people in their homes. In Australia the service began in South Melbourne, where the first meals were delivered in 1952 by tricycle. As the program grew it was taken over by the Australian Red Cross. Australian Meals on Wheels celebrated its sixtieth anniversary last year. The program now utilises the services of 78,700 volunteers at over 740 branches around the country. More than 14.8 million meals are delivered each year, bringing comfort and joy to about 53,000 recipients Australia-wide, covering residents living in cities and in regional and rural areas. The volunteers deliver a hot or unheated meal to the door. In Albury the meals are prepared in the kitchens of Albury Hospital. The meals are always nutritious and, for approved recipients, might include a vitamin C supplement. Dietary requirements are taken into account too. It is not a simple "one size fits all" philosophy.

The second aspect of the Meals on Wheels service is the personal one: providing companionship. Those who must spend most of their time in their homes—whether through illness, age, disability or infirmity—welcome the regular contact with friendly faces. There is the opportunity for a short chat and a catch-up with one of the volunteers as they deliver the day's meal. This helps the housebound feel connected to their community and to news of local events. Importantly, Meals on Wheels is not stuck in the past or in a narrow version of how Australians live. The changing face of Meals on Wheels reflects how the organisation is responding and adapting to the changing face of the community, according to the service. The multicultural nature of society is echoed in the food, faces and friendships that typify Meals on Wheels.

One of the people who work in my office from time to time is also a Meals on Wheels volunteer. She has been involved now for five years, having been introduced to the service by her neighbour. Over those five

years she has been into all sorts of homes—retirement villages, private homes and government housing—meeting all sorts of people. She does it because she really enjoys it and says it is a lovely feeling to help out others. At times she has been on the spot when someone is unwell and has been able to call for medical assistance. What a valuable service all these Meals on Wheels volunteers provide to our communities. The fiftieth anniversary of Albury's Meals on Wheels was celebrated at the North Albury Sports Club in July this year, with a huge roll-up of current and former members.

The annual general meeting, held on 16 September, was another opportunity to reflect on the success of this local branch over its five decades. I thank all those Albury residents who have served with Meals on Wheels over this period. Where would we be without them? They do wonderful and caring work day after day. I also thank the Department of Health and Ageing for its financial support under the Home and Community Care program, and I thank the New South Wales Department of Family and Community Services for its support. I congratulate the president of Albury's Meals on Wheels, Frank Lange, the honorary treasurer, John Martin, and coordinators Kim Abood and Karen Fraser who manage the volunteers and see that the meals are sent out.

I take this opportunity to suggest that any people interested in volunteering with Albury's Meals on Wheels get in touch by telephoning 6041 2004. Other Meals on Wheels programs operate out of Corowa and Holbrook in the electorate of Albury. Meals on Wheels is all about ordinary people looking out for one another. It combines support for the body through nutritious and appetising meals with the emotional support of companionship and caring. Meals on Wheels keeps people independent so they can live how and where they want to. Once again this is a story about volunteers making a difference to the lives of others. Volunteering is the backbone of Australian community life. What is truly special is that over its 50 years in Albury Meals on Wheels has taken and continues to take all this energy, this visible show of love and support, right to where people are happiest—in their own homes.

#### **CAMDEN WEST RURAL FIRE BRIGADE**

**Mr CHRIS PATTERSON** (Camden) [1.19 p.m.]: Today I pay tribute to all of our fireys, the men and women who have defended and who are continuing to defend our community's safety and property. These heroes risk their own health, safety and, as has happened tragically at times, their lives to protect not only us and our property in times like these but also our much-loved pets and wildlife. They are people who quietly go above and beyond their call of duty and I commend and sincerely thank them for their efforts. Without the Rural Fire Service and the other emergency personnel involved our State would be in a much, much worse condition right now. I cannot stress enough the gratitude that every person in New South Wales owes these selfless heroes in our communities.

It is only fitting today that I mention the Camden West Rural Fire Brigade and the sod turning of its new station site and give an opportune insight into the wonderful people that make up our Rural Fire Service brigades around the State. On 11 September, on behalf of the Minister for Police and Emergency Services, I had the privilege of attending the sod turning for the brigade's new station and the presentation of long service medals to five highly regarded members of the brigade. The Camden West Rural Fire Brigade came into being in 1965. Prior to that, landowners and farmers had been fighting fires using 44-gallon drums placed in car boots. John Taylor, Jim Drinnan and the late Frank Brooking, a former mayor of Camden, were instrumental in the brigade's beginnings.

These days the Rural Fire Service has state-of-the-art trucks and firefighting equipment and is part of an incredibly well trained and highly skilled firefighting force. Planning for the new station began nine years ago and construction is to begin very soon on this long-awaited facility. I thank the Carrington Centennial Care Trust, which has kindly agreed to lease land to Camden Council for the construction of the station and use by the Rural Fire Service. On the night of the sod turning and medal presentations Camden Council was represented by the mayor, Lara Symkowiak, the general manager, Ron More, and the director of works and services, Vince Capaldi. I thank Raad Richards, chief executive officer of Carrington Centennial Care, and the board of directors for working so well with the council and the Rural Fire Service to achieve this great outcome.

Having outgrown its current premises the brigade will now have a three-bay station with a kitchen, bathroom and storage facilities. The new station will assist the volunteers greatly in servicing our local community to the great standard they have achieved for so long. Camden West brigade is regularly called to a variety of incidents, with grass fires in the Camden West part of the local government area being the most frequent incidents the brigade attends. The brigade is also regularly called to motor vehicle accidents, house and



shed fires, and to assist the State Emergency Service during storms. The brigade regularly participates in campaign fires across the State and in recent years it has assisted with fire incidents under section 44 of the New South Wales Rural Fires Act in Bathurst, Lithgow and the Blue Mountains.

Members of the brigade were also deployed to both Victoria and South Australia to assist interstate brigades. Like every brigade within my electorate, Camden West brigade is providing men and women to assist with the huge effort that is currently underway in our State. Camden West Rural Fire Brigade also is involved with educating our local community. It attends the annual Camden Show and Carrington Fair and coordinates parking facilities. The brigade also attends residents' properties to help identify and reduce their bushfire risk. Currently the Camden West brigade has 46 members and there has been an influx of new, young members over the past few years, which is pleasing to see. I thank each individual member for volunteering their time and skills and for exposing themselves to danger to ensure our community is safe.

I make special mention of Kevin Brown and Brian Phippen, who received long service medals for 17 years of service; John Nicholls who received a long service medal for 19 years of service; Andrew James who received his long service medal and first clasp for 27 years of service; and Jim Drinnan who received a long service medal and first, second and third clasps for giving an incredible 48 years to the brigade. Jim helped form the Camden West brigade in 1965 and has attended countless fires and brigade activities. He has been involved in brigade training and has held all operational positions in the brigade. Jim now flies around the Sydney Basin as spotter 265 looking for fire ignitions and he radios the information to ground crews and fire control centres. Jim is an invaluable asset to the brigade and I congratulate him. I congratulate all members of the brigade and wish them well in the future with their new station. I thank every man and woman in the Rural Fire Service who is fighting fires at this very moment.

#### **SAILABILITY GOSFORD**

**Mr CHRIS HOLSTEIN** (Gosford) [1.24 p.m.]: It is with great pleasure that I speak about a great initiative in my electorate. On 24 September I visited the Gosford Sailing Club to celebrate the installation of a winch lift on the club's dock. One might consider that to be not a big deal, but although it was installed using a grant from the Community Building Partnership Program, it is important because of what it is to be used for and who is going to use it. Sailability Gosford, which is part of the larger Sailability NSW, is sponsored by the Gosford Sailing Club and caters for disabled people from September to March each year, offering them a sailing experience in three fully equipped special Access 303 dinghies.

Every Tuesday and Thursday Sailability Gosford takes up to 14 people out on the beautiful Brisbane Water. The participants have little or no previous sailing experience but experienced volunteer sailors are on hand to take them out. Organised disabled groups come from Coastlink on Tuesdays and Thursdays, the disabled sailors come from Life Without Barriers, Sunnyfield, and Central Coast Post School Options. Individual disabled people also participate. It is wonderful to behold the looks on the faces of the disabled sailors as they leave the dock with their instructors. Because the dock is higher than the water level, it presents some real issues for the volunteers in getting the disabled sailors into the boats. That is where the winch lift comes in—it allows the disabled sailors to board and be removed from the boats safely, which means no bad backs for the volunteers and a much-reduced risk of injury to the disabled sailors. More importantly, the winch lift can be operated by one person.

During my visit to the sailing club I observed several disabled people being winched into the boats, and I even winched an individual into a boat myself using the straps provided. Michael Lynch from Gosford Sailing Club, who is an experienced and successful Laser sailor with a bushy grey beard and who is well-known by many people as "the old man from the sea", was on hand to take disabled sailor Jake Banks for a sail. Several people like Jake have developed a feel for sailing the Access dinghy, which is specially designed for disabled sailors. According to Sailability Gosford president John Wright, the disabled sailors have developed a great camaraderie with the volunteers who take them out sailing and the volunteers on the shore. Jake told me he was the Central Coast Mariners number one supporter but that he is now an even bigger supporter of sailing. Judging by his happy face, he was delighted to get out on the water, which he found very relaxing. He enjoyed the freedom and exhilaration of riding with the wind and the swell.

In addition to getting volunteers from Gosford Sailing Club, Sailability Gosford has joined with Volunteering Central Coast, which has resulted in an increase in the number of volunteers offering to help. Australia is renowned for its volunteer ethic, which comes to the fore at major events such as the Olympics and, more recently unfortunately, in times of natural disasters. I take this opportunity to praise and acknowledge all

those volunteers and all the people on the fire fronts at this very moment. At Sailability the same volunteer ethic is at work and I am very impressed with the number of people who turn up to ensure that these disabled sailors get the chance to enjoy their weekly sailing experience during the six-month sailing season. I commend all those in the Sailability program in New South Wales, especially locally in Gosford on the beautiful Brisbane Water and I thank them for bringing some happiness into the lives of those who are less fortunate than most.

**Private members' statements concluded.**

*[Acting-Speaker (Mr Lee Evans) left the chair at 1.29 p.m. The House resumed at 2.15 p.m.]*

**MR JOE ANDRADE, PERSONAL ASSISTANT TO SPEAKER**

**The SPEAKER:** I welcome to the gallery someone who is not usually sitting in the gallery, my personal assistant, Joe Andrade. It is not like Joe to be seen without a suit and tie. Nevertheless, he has had a busy time over the past week or so. For those who do not know—I am sure you know by now—Joe lost his home and everything in the bushfire at Winnalee. He is here today for a big fundraiser. Just from the lunchtime function, Joe will walk away with about \$20,000 from all of you. Thank you, members. That is apart from all the other donations that have been deposited into Joe's special account and other pledges of goods. We will be following up with all the pledges.

Some wonderful warm wishes have come to my office and I am trying to send them around so that you can see what other people are saying about you, Joe. We have saved all of that in the file and you can see what people think of you when you leave—not that you will leave. We have been coping, except we did not get the matters of public importance out in time, nor the Chair rosters; no-one really knew what to do with the stuff on the table and no-one put up the prayer. And Luke makes terrible coffee. So please hurry back. You have the support of this big family in Parliament House. We love you immensely. You are respected universally across the Chamber, across this building and across the electorate offices throughout the State.

You have our support and you can call on us for any support. And it has come from both sides. God bless The Greens with their wonderful support. Thank you for that cheque. I now love The Greens. I mention also the wonderful warm wishes from the member for Sydney. I thank everyone for their generosity at the auction today. Thank you to Thomas George for the auction. We made \$7,000 just in auction prizes. Thank you, Joe. You do not have to stay. You have a lot of stuff to take home that has been donated to you in the Speaker's Dining Room. It is great to see you. Call in any time, but you have lots to do. I remind everybody that in a couple of weeks we will hold a dinner in the Strangers Dining Room for Joe.

**MEMBER FOR MOUNT DRUITT**

**The SPEAKER:** Today I refer to someone special: Richard Amery. I am given to believe that he was born in the same year as me, 1951—what a great vintage. To Joe Andrade's cause Richard donated one of his vintage typewriters, which made \$1,000 in the auction. It was bought by the member for Penrith, Stuart Ayres. If Richard cleared out his office he could be a millionaire and retire. I do not think any other member in this place has spent 30 years as a member of Parliament, but Richard certainly has.

Richard Amery was first elected as the member for Riverstone on 22 October 1983, at a by-election on a day that also saw Bob Carr, Andrew Refshauge and Brian Langton elected at by-elections. Richard became the member for Mount Druitt on 25 May 1991. While the member for Mount Druitt currently holds the office of Opposition Whip, a few members may recall that under the Carr Labor Government he served as Minister for Corrective Services, Minister for Agriculture and Minister for Land and Water Conservation. Richard has held a number of shadow portfolios in Opposition, including consumer affairs, seniors, of course, transport and natural resources.

**Mr Richard Amery:** I had black hair when I was shadow Minister for seniors.

**The SPEAKER:** During 30 years in the Legislative Assembly the member for Mount Druitt has been an active member of a number of parliamentary committees, serving as Chair of the Committee on the Independent Commission Against Corruption, Deputy Chair of the Standing Committee on Parliamentary Privilege and Ethics and a member on the Standing Committee on Natural Resource Management. Those who know Richard even fleetingly would be aware of his grand passion for lawn bowls, which may have even exceeded his love for antique typewriters. I think the bowls club made a donation for Joe?

**Mr Richard Amery:** It did.

**The SPEAKER:** So there was a donation from your office in addition to the typewriter. Was there another group?

**Mr Richard Amery:** I can't tell you; it is a secret faction.

**The SPEAKER:** A secret faction. It was a very generous donation. Would the secret factions on this side see whether they can top those donations for Joe? The team won the interstate Parliamentary Bowling Carnival in 1994, the first carnival win by New South Wales in 29 years, followed by wins in 1996, 2001 and 2005. Richard is also notable for his fondness for a good notebook and Remington typewriter, legacies of his former career as a constable. The House appreciates his quick wit—I certainly do at times—and tuneful whistle. I wish his interjections were not so funny. I have to contain myself and stop myself from laughing on many occasions and pretend to be upset with him. We all congratulate him on achieving 30 years of service to the Parliament of New South Wales.

## REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

**Mr BARRY O'FARRELL:** I inform the House that this week the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts will answer questions in the absence of the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services.

## BUSINESS OF THE HOUSE

### Notices of Motions

**Government Business Notices of Motions (for Bills) given.**

## QUESTION TIME

*[Question time commenced at 2.28 p.m.]*

## FRONT-LINE SERVICES FUNDING

**Mr JOHN ROBERTSON:** My question is directed to the Premier. Given the people of Miranda sent the Premier a message loud and clear on the weekend that they will not stand for the Government's cuts to hospitals, TAFEs and fire stations, will the Premier reverse his damaging cuts to front-line services that the people of this State rely on?

**Mr BARRY O'FARRELL:** First, we have absolutely heard the message of the by-election about members of Parliament who should fulfil their contract with the citizens—

**Ms Linda Burney:** Oh Barry, don't blame—

**Mr BARRY O'FARRELL:** The member for Canterbury does not believe that members of Parliament should fulfil their contracts with their communities, which is interesting. Secondly, Mr Collier also triumphed in the 1999 election, which demonstrates some of the concerns on my side of politics about engaging in local government. Let us not underestimate the contribution that Barry Collier made to the result last Saturday. I have to say I was incredibly disappointed today, when the Leader of the Opposition was trying to milk the Miranda result for all it was worth, that he ruled out—can members believe this—

**The SPEAKER:** Order! The Leader of the Opposition will cease arguing across the Chamber.

**Mr BARRY O'FARRELL:** —that Barry Collier would join the front bench. If there was ever a message out of Saturday it was that the electorate of Miranda was backing Barry Collier, not just because of his experience but because of his profile. We have absolutely got the message out of the by-election in Miranda. We on this side of politics will continue to work hard for all communities across the State, including the Sutherland shire. That is why, despite the allegations of the Leader of the Opposition, this year we have increased the local area health district budget by 4.5 per cent.

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

**Mr BARRY O'FARRELL:** An additional \$63 million will be going into those hospitals to provide better services in that part of Sydney.

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

**Mr BARRY O'FARRELL:** It is why we have committed money to do the planning for the long overdue upgrade of Sutherland Hospital, something long neglected by those opposite.

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

**Mr BARRY O'FARRELL:** It is why we have increased police resources, not just in Miranda but across the State. It is why we have increased the number of nurses in our hospitals, not just in that local health district but across the State. It is why we have increased the number of police not just in the Shire but across New South Wales. Whichever way one looks at it—despite the attempts of the Leader of the Opposition to retrofit the result of Miranda—one can see that we are delivering and we will continue to deliver.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. Opposition members will come to order. I call the Leader of the Opposition to order for the first time.

**Mr BARRY O'FARRELL:** During the by-election campaign the two most obvious signs of Labor's election were the Barry Collier posters with a great photo of him and underneath it the words, "Stop overdevelopment". There were no signs on posts during the election campaign about any of the matters that the Leader of the Opposition now wants to talk about. Indeed, during the four weeks of the campaign I saw no signs on posts anywhere in Miranda of the Leader of the Opposition.

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

**Mr BARRY O'FARRELL:** Everybody can take something out of Miranda.

**The SPEAKER:** Order! The member for Wollongong, the member for Toongabbie, the member for Fairfield and the member for Shellharbour will be placed on calls to order if they continue to interject.

**Mr BARRY O'FARRELL:** The message we have taken is that even in the darkest of results there is always a silver lining; it is a silver lining for me but it is depressing a couple of frontbenchers opposite. The silver lining for me and the regret of the member for Maroubra and the member for Toongabbie is we get to keep them.

## STATE BUSHFIRES

**Mr RAY WILLIAMS:** My question is addressed to the Premier. What is being done to prepare for worsening bushfire conditions expected to hit New South Wales tomorrow?

**Mr BARRY O'FARRELL:** I thank the member for Hawkesbury for his question. His electorate is currently under threat from the State's bushfire crisis. A number of members are not here today as they are still with their communities because of the crisis that broke out last Thursday and continues unabated. Only an hour ago the Rural Fire Service Commissioner confirmed to me that will see the most difficult day tomorrow. These are the worst bushfires that New South Wales has experienced in many years and the thoughts of every citizen in New South Wales are no doubt with those who have been affected and those who stand to be affected.

This afternoon I received, along with the Minister for Police and Emergency Services, a briefing on the latest fire conditions at Rural Fire Service headquarters. Currently more than 60 fires are burning across the State, 14 of which are uncontained. There are more than 1,100 firefighters in the field battling those blazes. Our firefighters are focussing on fires in the Blue Mountains, at Springwood, Winmalee, Mount Price, Mount Victoria, and the blaze that started at Lithgow—called the State Mine fire, as well as the fire in the Wollondilly area that started at Balmoral but is also affecting Wilton.

Even though we awoke today to grey skies and cooler weather, and even though some showers are falling on the fire ground, it is not substantial and it is not expected to put the fires out. We should not be lulled

into a false sense of security. Today's weather has provided firefighters with an opportunity to try to get some containment lines around these fires. As the commissioner has already outlined, efforts will start in order to essentially connect two of these major fires as we seek to prevent them from affecting urban areas down the Blue Mountains. There is a storm cell moving across the State, which is passing over the Blue Mountains, but it will not bring as much rain as we might hope.

The real problem will be the associated lightning with the storm cell and its capacity to start fires of its own, as occurred in January. We expect weather conditions to worsen tomorrow, meaning that fire activity is likely to increase and we could see homes under threat again. To prepare for this we are seeing in the Blue Mountains one of the largest ever mobilisations of fire appliances and fire officers in the State's history. I have the utmost confidence in the State's fire authorities, those who are doing the planning and implementation, and also in those magnificent firefighters—whether they are from the Rural Fire Service, Fire and Rescue NSW, the National Parks and Wildlife Service, Forestry or others—who are on the front line. They are working incredibly hard and we all owe them an enormous debt of gratitude.

The Rural Fire Service Commissioner, Fire and Rescue Commissioner and the Commissioner of Police are working together, along with other agencies, to prepare for tomorrow's expected horrific conditions. The strategic and coordinated response to the crisis has been first class. While any loss of life is tragic, it is a credit to our firefighters' efforts that there has been only one death, that of a 63-year-old man in Wyong shire who suffered a heart attack whilst defending his home. We have lost more than 200 properties—including the home of Joe Andrade—and more than 120 have been damaged. But many thousands more homes have been saved. When one flies over these fire grounds what is extraordinary, and what does not diminish the loss for those people who have suffered loss, is just how many homes were saved even though they looked as though they simply could not be defended. However, they were defended; they were saved by the extraordinary efforts of those who were working on the front line.

There is no doubt that without our extensive hazard reduction operations more properties would have been lost. For the benefit of the member for Hawkesbury, I am told that the hazard reduction burns that took place at Mountain Lagoon in May this year and May last year may well be the factor that ensures that that community is saved from any serious fire damage. As I have said repeatedly, this Government carried out 2½ times more hazard reduction last financial year than in the last year of those opposite. To give our much-needed firefighters not only a spell but also to assist them in bringing the fires under control, 688 firefighters from interstate are fighting the fires today. We are expecting some firefighters from New Zealand as well. This is cooperative federalism at its best. There is no State of Origin in this; everyone is pitching together. I thank all the Chief Ministers and Premiers for their efforts. Prime Minister John Key of New Zealand was in touch yesterday. He has offered support and assistance. We have had sympathy from a number of people. For example, last night I received a phone call from the Governor-General, who is out of the country. *[Extension of time granted.]*

On Sunday I declared a state of emergency because of the potential of a disaster this week. That state of emergency essentially gives our wonderful emergency services personnel even greater legal authority to evacuate areas and take whatever steps are needed to save lives as they seek to put out these fires. I urge people to cooperate with the police and emergency services. If the choice is between saving lives or property, there should be no choice; it should be about saving a life every time. We are also doing work in relation to the recovery effort. We have appointed Phil Koperberg, a former Rural Fire Service Commissioner, and Dick Adams, a former senior assistant police commissioner, to be emergency recovery coordinators. They are in place. Today I announced a simple but important measure for people involved in the clean-up. The Minister for the Environment will waive the waste levy at landfill stations in affected local government areas, saving residents trying to get on with the clean-up between \$53 and \$170 a tonne. I am delighted that the Blue Mountains City Council has agreed to waive its fees as well. I encourage other councils to do the same.

The Government has been inundated with many offers of assistance. I urge people to dig deep—as people have demonstrated today they are able to do—and send donations to the Salvation Army's bushfire appeal. This can be done either through the Salvos website or by phoning 13 SALVOS. There are many stories emerging from this fire hazard, such as the public schools locked down in Winmalee and Springwood where students were kept safe through the magnificent efforts of teachers and principals. There is also the heart-rending story of the principal of St Thomas Aquinas Primary School in Winmalee, who walked his 500 students—from kindergarten to year six—to the local shopping centre and then to the evacuation centre knowing that his home was under threat; and when he got those children safely to the evacuation centre he found out that his house had burnt down.

## HEALTH FUNDING

**Dr ANDREW McDONALD:** I direct my question to the Minister for Health. Given the people of Miranda sent a strong message on the weekend that they will not stand for the \$3 billion cut to hospital funding, which is seeing wards closed, delays to critical surgery and hospital staff sacked, will the Minister reverse the dangerous funding cuts across New South Wales?

**Mrs JILLIAN SKINNER:** That is a total misrepresentation of the truth and I am frankly disgusted. The member who would be health Minister does not know how to read a budget.

**The SPEAKER:** Order! The member for Macquarie Fields will cease arguing with the Minister.

**Mrs JILLIAN SKINNER:** The member does not know how to look in the budget to see that this year the budget has increased to \$18 billion, which is an increase of 5.2 per cent on the budget from last year.

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

**Mrs JILLIAN SKINNER:** As the Premier stated, the budget this year in South Eastern Sydney Local Health District has increased by 4.5 per cent. The Government is providing money for 69,000 more emergency department attendances and additional money for overnight surgery and overnight stays in hospitals. Across the health system the Government has employed more than 4,100 nurses, which is 2,800 full-time equivalent positions, more doctors and more paramedics. It is disgraceful that the Opposition lied to the people of Miranda and is trying to lie to the people of—

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

**Mrs JILLIAN SKINNER:** Have you had enough of your lies?

**The SPEAKER:** Order! Opposition members will not respond to the Minister.

**Mrs JILLIAN SKINNER:** The truth of the matter is that there has not been a \$3 million cut to the budget. If Opposition backbenchers believe that, they will be hoodwinked into believing anything. Opposition members should read the budget papers. The budget has increased by 5.2 per cent this year, which is \$18 billion. On top of that—

**The SPEAKER:** Order! The Minister will resume her seat. The Minister will not respond to interjections, which are disorderly at all times. Opposition members who continue to interject will be placed on calls to order. The Minister will be heard in silence. The behaviour today of the member for Keira is exemplary.

**Mrs JILLIAN SKINNER:** I ask all those in the public gallery to read the New South Wales budget, specifically the Health budget, and they will see that the Opposition is obviously being untruthful. The budget has increased each year since this Government was elected. This year the budget is \$18 billion recurrent funding, with an additional \$1.7 billion for investment in rebuilding our hospitals. Last Friday I visited Hornsby to celebrate with the member for Hornsby the start of the next round of building works at Hornsby hospital. Yesterday I visited Wagga Wagga and joined the member for Wagga Wagga in opening the new mental health facility.

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

**Mrs JILLIAN SKINNER:** We also celebrated the start of the \$282 million upgrade process for Wagga Wagga hospital. I have travelled around the State—to Campbelltown, Blacktown, Mount Druitt, Dubbo, Parkes, Forbes, St George and Sutherland—announcing extra funding for the upgrade of local hospitals. The Government is doing this because for 16 years those opposite did not reinvest in health infrastructure. This Government is getting on with job: It is investing in health, employing more staff and treating more patients than ever, in record time.

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

**Mrs JILLIAN SKINNER:** The Commonwealth and the Australian Institute of Health and Welfare report that New South Wales is above the national average for treating patients. Across the board this Government has spent record amounts on health. Do not believe any of the rot that Opposition members say about budget cuts.

### BUSHFIRE DISASTER WELFARE ASSISTANCE

**Mr STUART AYRES:** I address my question to the Minister for Family and Community Services, and Minister for Women. How is the Government, together with the community, providing disaster welfare assistance for people affected by the bushfires?

**Ms PRU GOWARD:** I thank the member for Penrith for his question. Our thoughts and prayers are with the members for the Blue Mountains and for Wollondilly and the communities in their electorates as they come under threat from these fires. At this time it is important to thank the communities of Penrith and others across Sydney and New South Wales that are banding together today to support those who have lost their homes and those whose homes are at risk, and emergency services personnel who are battling these blazes. I visited Balmoral Rural Fire Service on Friday morning and the fireys were well on the way to completing a fire trail around the eastern side of the village. They had worked until midnight and were back at their posts at the crack of dawn. That is happening all over New South Wales. They were experienced, tired, calm and well organised, and faced the unenviable task of fighting on the front line. They do that without a fuss.

As every member of this House would be aware, the fires burning across the State pose a grave threat to homes, property, livestock, small businesses and, most importantly, human life. Those families who may have already lost property, homes and pets deserve support from their Government at this time of need, and that is what is being provided. I take this opportunity today to acknowledge the work underway to support these families and families who have been evacuated because of imminent threats to their homes. We can only imagine the devastation families must be feeling knowing their homes and earthly possessions have been destroyed, or the fear that is gripping other families who have been evacuated from their homes knowing they may not have a home to return to when the fires have passed.

The mood was sombre on Sunday morning in Yerrinbool in my electorate when the Rural Fire Service briefed approximately 400 members of the community on what the risks were and what was at stake for their families. They were told that they needed to relocate and they took this news, as Australians do, calmly and quietly. They knew what had to be done and they just got on with it. It is our job to support those families in their time of need. Local members of Parliament and their offices, charities, local churches, community groups and government agencies are working together to support those families affected by the fire. The Department of Family and Community Services is supporting the NSW Rural Fire Service by managing evacuation centres at Springwood, Lithgow and North Richmond.

At one stage last week Family and Community Services staff had opened 15 evacuation centres, and more than 2,000 people have passed through the busiest centre in Springwood. The wonderful staff are also present at the Penrith Panthers reception centre providing disaster welfare assistance, which includes coordinating accommodation for people who cannot find their own and providing small amounts of cash for daily necessities. Families need a roof over their heads, food to eat and in some cases counselling, and those are the basic needs being addressed at this time. I was pleased to meet a number of my department's staff at Picton on Thursday afternoon. They were there with that community for that community, and I am told that Family and Community Services staff are assisting wherever they can.

It is not only Family and Community Services staff who are helping families affected by the bushfires, countless volunteers and staff from non-government organisations such as community partners Red Cross, the Salvation Army, Anglicare, the NSW Disaster Recovery Chaplaincy Network, St Johns Ambulance and Save the Children are out there right now assisting New South Wales families. This is a government that has made partnering with the non-government sector a cornerstone of its approach to delivering social services. I thank the non-government sector and our own staff for the hard work and long hours they are putting in on the front line for the relief effort and for working together to support their fellow men and women. I wish I could say that the worst is over. All we can do is hope for the best and prepare for the worst. With the dire predictions of the possible evacuation of between 10,000 and 15,000 residents from the Blackheath and Wentworth Falls area, preparations are also being made. More than 1,800 beds have been identified across commercial, religious and defence force facilities, including the Royal Australian Air Force base at Richmond. [*Extension of time granted.*]

I am sure that every member of this place joins me in praying and hoping that these facilities will not be necessary. In case they are, we have people on the ground ready, waiting and preparing to provide emergency accommodation and support to families whose homes are at risk. I commend the work of our wonderful staff

and our non-government partners. I think I can say on behalf of all members, godspeed to those brave firefighters and State Emergency Service personnel who are in harm's way doing their best to protect homes and lives across the State.

### RAIL SERVICES FUNDING

**Mr RYAN PARK:** I direct my question to the Minister for Transport. Given that the people of Miranda sent the Government a strong message last weekend that they will not stand for its cuts to local train services, which have resulted in peak-hour services being slashed in the St George and Sutherland area, will the Minister listen to the community and reinstate these important services?

**Ms GLADYS BEREJIKLIAN:** That question was asked by the former deputy director general of what was then Transport NSW who cut, cut, cut rail services. When members opposite were in government they slashed hundreds of rail services. It is very sad to see that the Labor Party learnt nothing from not telling the truth. I will put some of the facts on the record. I am very pleased that during this week alone the Government has delivered more than 2,700 extra services on the transport network. From this week, the Illawarra line will have an extra 149 weekly rail services, which includes 55 extra weekly peak services, an extra 6,000 morning seats to the city, an extra three services from the city to Cronulla between 5.00 p.m. and 7.00 p.m.—

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

**Ms GLADYS BEREJIKLIAN:** Members opposite want to deny that the new timetable has a train departing from Miranda for the city on average every 10 minutes. That is not a bad service. The average travel time for these services—

**Mr John Robertson:** It is not as good as it was.

**Ms GLADYS BEREJIKLIAN:** The Leader of the Opposition might interject, but for 16 years all the Labor Government did was cut rail services.

**Mr Ryan Park:** Point of order: I refer to Standing Order 129, relevance. This is a very important issue. Many people I spoke to on Saturday—

**The SPEAKER:** Order! The member for Keira will not make a speech. What is the point of order?

**Mr Ryan Park:** It is fair that the Minister should answer the question.

**The SPEAKER:** Order! The Minister is being relevant to the question asked. There is no point of order.

**Ms GLADYS BEREJIKLIAN:** The Leader of the Opposition's interjection prompts me to comment on a constant theme. The Premier noticed, as did many people, that the Leader of the Opposition did not feature prominently in election material produced for the Miranda by-election campaign.

**The SPEAKER:** Order! Members will cease arguing across the Chamber. I call the member for Kiama to order for the first time.

**Ms GLADYS BEREJIKLIAN:** The Leader of the Opposition is so embarrassed by his record as the Minister for Transport that he made no mention of holding that position in the election material he used during his campaign to be elected to the lower House.

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

**Ms GLADYS BEREJIKLIAN:** Not surprisingly, the information the Labor Party peddled was simply incorrect. Members opposite either cannot read the timetable or they have not bothered to read it. If they do not want to read it they should consult one of the great transport apps that are available to transport customers. It is most concerning that the facts and figures about rail services they put out during the by-election campaign were simply untrue. I accept that services between 6.00 a.m. and 9.00 a.m. from Jannali station have been reduced from 20 to 18. That is very different from—



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

**Ms GLADYS BEREJIKLIAN:** —the information that members of the Opposition provided during the by-election campaign. They should apologise for misleading the community. I am very pleased with the feedback we have received on the ground at all stations on the Illawarra line. Members opposite can say and do what they like, but the reality is that when they were in government they cut, cut, cut services. In 2004-05 they slashed services by hundreds on a daily basis. [*Extension of time granted.*]

I am very grateful for the extension of time because not only do the residents of the shire benefit from the timetable but it also delivers more than 1,000 extra weekly train services across the network. It does not stop at trains; it also delivers 1,700 extra weekly bus services and 55 extra weekly ferry services. One of the last things the Leader of the Opposition did when he was the Minister for Transport was sign on the dotted line to get rid of more than 200 weekly ferry services. That is what members opposite like to do.

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

**Ms GLADYS BEREJIKLIAN:** Those opposite asked for an extension but they do not want to listen.

**The SPEAKER:** Order! I am listening. The Minister has the call.

**Ms GLADYS BEREJIKLIAN:** I am pleased that the new timetable delivers more than 20,000 extra seats on trains to the city every weekday morning and more than 690 extra weekly train services for Western Sydney. In stark contrast to the performance of members opposite, this Government has redeployed more than 140 staff this week to assist customers to adjust to the new timetable.

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

**Ms GLADYS BEREJIKLIAN:** The Labor Government cut front-line staff and services. This Government is restoring public confidence in the transport system.

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

**Ms GLADYS BEREJIKLIAN:** I am extremely pleased that the communities with major transport hubs will benefit substantially from the new timetable, whether it is 430 extra weekly services at Parramatta, 305 at Strathfield, 154 at Hurstville, 135 at Epping, 104 at Macquarie Park— [*Time expired.*]

## PLANNING REFORM

**Mr DAVID ELLIOTT:** I address my question to the Minister for Planning and Infrastructure.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. I cannot hear the member for Baulkham Hills.

**Mr DAVID ELLIOTT:** How is the Government delivering on its commitment to overhaul the New South Wales planning system and return planning powers to local communities?

**Mr BRAD HAZZARD:** I thank the member for Baulkham Hills for his question and note his strong interest in reform of the New South Wales planning system. He understands that community input must be central to our new planning system after years of a Labor approach that cut out the community through use of former part 3A of the Environmental Planning and Assessment Act. This is a momentous day in the history of planning in New South Wales. Today marks the most important chapter in the reform of the New South Wales planning system, a process we committed to in opposition and are delivering in government. The process was born of widespread distrust and lack of confidence in the way the planning system had been abused by the former Labor Government. The deals-for-dollars culture shut people out of decision-making about their future and served only those who knew the path to the Minister's door.

Today I will introduce to this Parliament new planning legislation that will deliver on our commitment to return local planning powers to local communities, restore powers to local councils, and restore confidence and integrity to the planning system. The bills I will introduce to Parliament are the product of unprecedented consultation and community engagement. Over the two years of the planning review more than 6,000 people

have been involved in helping shape our new planning system and in the process helping shape New South Wales future by making submissions or participating in community and stakeholder engagement sessions across the State. Our agenda for reforming the planning system has been clear throughout this process. We said we would return local planning powers to local communities, return decision-making on development applications to local councils, restore confidence and integrity in the system, deliver more housing and jobs, and streamline planning and cut red tape.

We have been delivering on this agenda since coming to government. We removed the politics from planning by delivering on our commitment to repeal part 3A of the Environmental Planning and Assessment Act 1979 within our first 100 days in office. This put an end to the deals-for-dollars culture that festered under the former Labor Government. Through targeted policy reform and investment in infrastructure, we have been delivering the economic results we need to make New South Wales number one again. New housing approvals are at their highest levels since 2004; we have planned, released and rezoned land for more than 65,000 new jobs in Western Sydney; we have invested more than half a billion dollars in the essential infrastructure needed to unlock new housing opportunities through the Housing Acceleration Fund; and more than \$37 billion in major projects has been approved since we came to office. These projects are delivering 45,000 direct and 96,000 construction jobs.

The introduction of the Planning Bill 2013 and the Planning Administration Bill 2013 continues that work to deliver for the community, protect the environment and deliver economic growth for New South Wales. Our bills reflect our vision for the planning system and deliver an emphasis on strategic planning; strong community participation up-front in the planning process; a simpler and more transparent development assessment process; the requirement that infrastructure be provided alongside growth; the shift to an e-planning system to bring our interactions with the planning system into the twenty-first century; and a better building regulation system through more mandatory inspections at critical stages and tighter control of private certifiers. In short, they will deliver a world-class, modern planning system for New South Wales.

The Government appreciates the input of community groups, environment groups, business groups, peak professional bodies, Local Government NSW and the Independent Commission Against Corruption. As an example of that input, I note the Planning Institute of Australia, the peak professional body for the planning industry, wrote to me this week to offer its support for the reforms. The President of the NSW Division, Sarah Hill, said:

The NSW Division of the Planning Institute of Australia (PIA) believes that the current NSW planning reforms represent a significant opportunity to ensure that this State has a modern and responsive planning system which will take NSW forward. The Government is to be commended on the process of wide consultation and in particular the positive engagement processes in the most recent round of consultations.

PIA believes that it would be counterproductive for the community and economy of NSW if these reform principles were to be abandoned or significantly watered down:

Keith Rhoades, the newly re-elected President of Local Government NSW, has been fundamental in shaping the Government's planning legislation and had this to say in his letter to me of last week:

The changes you have assured me you will make to the Planning Bills and implementation processes as a result of LGNSW representations demonstrate that the NSW Government has been responsive to Local Government.

I welcome your assurances that LGNSW and councils will be closely involved in all implementation and transition processes. We acknowledge that LGNSW is already involved in expert working groups, and discussions on greater engagement are already underway.

We look forward to working constructively with all these groups. In addition, I note that the Independent Commission Against Corruption has worked closely with the Government, expressly by giving advice on issues to be addressed and acknowledging when work is done to address those issues. I thank Commissioner Ipp for paying close attention to these issues whilst addressing far greater challenges presented to him by the former Labor Government. He has taken the time to give us the benefit of his advice on how best to corruption-proof the new planning system. [*Extension of time granted.*]

I note that in the process we have ensured that the Independent Commission Against Corruption has worked extensively with us. We will continue to work with the Independent Commission Against Corruption as the new planning system is implemented to ensure that each step is considered with the benefit of the commission's input. I thank members on all sides, particularly Coalition members in this place, who have taken a personal interest and engaged in the process on behalf of their communities. Every member on the Coalition

side has been heavily involved in making sure that we hear the voice of the community, and the community's voice is central to what we do as we move forward. I also thank a number of members on the benches opposite and on the crossbench who have been to many of the briefings. We have had numerous briefings in the past two years, and I thank them for their involvement and engagement in the process.

Finally, I thank the staff. These massive changes are not done without a great degree of commitment from people at all levels of the public service and by ministerial staff. I thank staff of the Department of Planning and Infrastructure, who have done an amazing job over the past 2½ years to achieve what we now present to the community as the modern, transparent way forward for planning in New South Wales. I also thank my ministerial staff. Each and every one of them has been committed to this process and has done an extraordinary amount of work. It is not unusual to see them in the office well after everybody else has left. They worked on what we needed to do to get a planning system in New South Wales for the twenty-first century.

### VOCATIONAL EDUCATION AND TRAINING FUNDING

**Ms CARMEL TEBBUTT:** My question is directed to the Minister for Education. Given the people of Miranda sent a clear message on the weekend that they will not stand for the Government's cuts to TAFE and course fee increases, will the Minister now reverse these damaging cuts to vocational education and training across New South Wales?

**Mr ADRIAN PICCOLI:** I have the opportunity to make a terrific announcement on behalf of the Government about funding for schools as a result of signing up to the Gonski funding reforms earlier this year. This is a great opportunity for us to inject extra funds into schools, in addition to the reforms that we have already introduced in New South Wales to support students in all our schools. Today we announce the funding figures for public schools, and I will have more to say about that in the not-too-distant future. The Leader of the Opposition's first question today was about alleged cuts in the Miranda electorate. I have the list of schools in Miranda—every single one of them.

**Mr Kevin Humphries:** Table it!

**Mr ADRIAN PICCOLI:** I am not going to table it, because we have hidden the list from the Opposition very cleverly on the internet. On that list we have put the changes in funding for every school and made it very clear that funding will not go up for every school, although funding for 90 per cent of schools will increase.

**Ms Linda Burney:** Point of order: I refer to Standing Order 129. The question was about funding cuts to TAFE, not schools.

**The SPEAKER:** Order! The Minister is being relevant to the question asked. There is no point of order.

**Mr ADRIAN PICCOLI:** I assure the member for Canterbury that she is talked about as a potential leader—actually, she is not.

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

**Mr ADRIAN PICCOLI:** I am pleased to say that of all the approximately 20 schools in the Miranda electorate, funding for most will go up. I am sure they will welcome this extra funding.

**Mr John Robertson:** Point of order: I refer to Standing Order 129. As much as the Minister would like to talk about schools, the question was about TAFE.

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

**Mr ADRIAN PICCOLI:** It seems like only yesterday that the Labor Party was involved in graft and corruption—because it was only yesterday.

**The SPEAKER:** Order! The Minister will return to the leave of the question, which was about TAFE.

**Mr ADRIAN PICCOLI:** It is a never-ending cycle—but enough of these distractions. Funding will go to 20 schools in the Miranda electorate. Yes, we have made changes to TAFE and, yes, we may not fund some courses that are currently funded.

**The SPEAKER:** Order! Members will come to order.

**Ms Linda Burney:** Point of order: I cannot hear what the Minister is saying.

**The SPEAKER:** Order! The member for Canterbury cannot hear the Minister. I am also having difficulty hearing the Minister's answer. Members will come to order.

**Mr ADRIAN PICCOLI:** Yes, we have made changes to TAFE and we will make changes to vocational education and training funding. I have explained in this House on a number of occasions why we are making those changes. It is to target taxpayers' dollars at those areas of skills shortage and skills need so that we use that money as effectively as possible. That is the mandate we were given 2½ years ago. The former Government had plenty of opportunities to do that but it was always too afraid; it was beholden to the union movement. If a government does not change anything and does things that suit only unions, it changes nothing.

We are changing things. We are changing the way we fund schools to make it a fairer and much more transparent system. We are changing the way we fund our vocational education and training. There are numerous courses and we made a decision about fine arts. It was a tough decision that I know had an impact on individuals, but we made that decision so we could fund courses that students can take that will enable them to get a job. We will consider whether courses such as pet grooming should be subsidised. One can ask any one of the seven or eight million people who live in New South Wales whether we should consider funding those courses and they will agree. I am proud of the reforms we have put in place and they will continue.

### PUBLIC SCHOOL FUNDING

**Mr TROY GRANT:** My question is addressed to the Minister for Education. What is the Government doing to make funding arrangements fairer and more transparent for New South Wales public schools?

**Mr ADRIAN PICCOLI:** That is a great question. As I have said, I had the opportunity this morning to make an announcement about the changes we are making to the funding of public schools in New South Wales. Non-government schools will also have an opportunity to allocate additional dollars as a result of the three sectors signing up to the Gonski changes earlier this year. I know that the Catholic and independent school sectors will make various announcements. Today the terrific member for Coogee and I were at Randwick Boys High School to announce the changes that we have made in New South Wales. We announced the latest chapter in the Local Schools, Local Decisions reforms, which is about giving principals a greater say over the management of their budgets.

Before these reforms principals had control over 10 per cent of their budgets. By the time we finish these reforms principals will control more than 70 per cent of their budgets and they will be able to marshal those resources in a way that best suits individual schools, as Randwick Boys High School is different from Griffith High School and Dubbo College Senior Campus. All schools are different; they have a different cohort of students and they want to be able to do things differently. We think this will give schools the greatest opportunity to improve the performance of their students.

I thank the member for Dubbo for his question. The three schools in the Dubbo College benefit from today's announcement to the tune of half a million dollars a year in extra funding, which is a great result. Dubbo North will have \$70,000 and schools right across the Dubbo electorate will benefit to the tune of almost \$3 million. But members do not have to take my word on how significant this reform is. Lila Mularczyk, President of the NSW Secondary Principals Council, who today stood with me and Geoff Scott, President of the Primary Principals Association, was asked by a journalist whether principals would support these changes. She said:

All principals are going to welcome a far fairer model for funding for all schools. Now we are certainly looking at a world first model and it's really an unprecedented approach to funding.

That is a senior principal representative reflecting on the changes that have been made. I particularly congratulate the staff of the Department of Education and Communities, in particular, Robyn McKerihan, on the incredible work they have done in putting together this funding model. Equity funding goes from \$200 million a

year to \$300 million—a 50 per cent increase. For the first time ever, every Aboriginal student in a public school in New South Wales will receive funding. That is a big tick for the O'Farrell-Stoner Government. It is something that the former Government was never able to do in the years that it was in office. We are tripling the number of students from disadvantaged backgrounds who will attract funding—from about 120,000 students a year to about 390,000 a year.

This is about additional dollars going directly to schools for principals to use in the way in which they want to. We have removed a lot of the red tape and we have removed the system of little buckets of funds that could be used only for particular things. We are grouping the funding in two buckets and trusting principals to spend the money in a way that is in the best interests of their students. In every electorate, schools will benefit significantly. Last week I visited Hunter Sports High School, which will benefit to the tune of almost \$500,000. It is a great school doing great work in the electorate of the member for Charlestown.

This is a great reform. But it is not just about extra dollars; it adds to the other reforms we have introduced. Great teaching inspires learning. We are ensuring that we have the best people going into teacher training; we are ensuring that we have the best trained teachers coming out of university; and we are supporting teachers in their first couple of years with the \$155 million that we announced four or five weeks ago and a better coordination of practicum. These are the kinds of reforms that will lead to better outcomes for schools across New South Wales.

#### **COUNCILLOR ANDREW ISTEPHAN**

**Ms LINDA BURNEY:** My question is directed to the Premier. Does the Premier support Andrew Istephan, the Hurstville Liberal councillor found guilty of assaulting five elderly nursing home patients, remaining in the Liberal Party?

**Mr BARRY O'FARRELL:** No, but that is a matter for the Liberal Party's central executive.

#### **PUBLIC TRANSPORT SERVICES**

**Mr CHARLES CASUSCELLI:** My question is addressed to the Minister for Transport.

**The SPEAKER:** Order! Members will come to order. I need to hear the question.

**Mr CHARLES CASUSCELLI:** How has the new public transport timetable performed so far?

**Ms GLADYS BEREJIKLIAN:** I thank the member for Strathfield for his question. I know that many of his constituents rely on public transport and that he is a strong advocate for their interests. I am pleased to reiterate that on Sunday the Government was able to deliver an extra 2,700 weekly services in public transport. Yesterday was the first real test for the new services. I take this opportunity to thank our customers for their patience and also our staff who have been planning for yesterday's execution for months and months. For instance, although it is early days, I was pleased that for Sydney trains as well as New South Wales trains we achieved punctuality results in the mid-nineties to high nineties for both peaks, and we achieved the same result this morning.

Feedback from other modes of transport has also been positive although I stress that I expect some teething problems this week, given the number of services we are introducing at the one time. I am expecting a few glitches to occur this week, but so far so good. Again, I am extremely grateful to our hardworking staff for all their efforts in ensuring the timetable implementation has been as good as it has been to date. I am also pleased to advise the House about the timetable that commenced yesterday. It was the first time in our State's history that buses, trains and ferries have been coordinated in the one central timetable. The former Government was not able to achieve that in its 16 years in office, but we have managed to do it. We were able to achieve this because we started to write the timetable from scratch. It was not about tinkering around the edges; it was about throwing out the old timetable and writing the new timetable from scratch.

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

**Ms GLADYS BEREJIKLIAN:** It is also the first time in a long time that a total rewrite of the rail timetable in particular has delivered substantially more services. I cannot remember the last time a government of any persuasion was able to announce the number of new services we have this week. It is in stark contrast to

what members opposite did. I have already had the opportunity in question time to talk about their record, so I will not dwell on that. However, I stress that Labor's formula for new timetables was cutting services. But it was not just cutting services; it also slowed down the timetable so it took people longer to get to their destination. Members opposite also changed the definitions so that their figures would look better, and they continued to pat themselves on the back for those figures when all along customers were being denied extra services, better travel times and transparency, which we have managed to inject into the process.

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

**Ms GLADYS BEREJIKLIAN:** Again, I will not dwell much on Labor's record because we have so many positive things to talk about in relation to our timetable. It is positive to know that we have hired extra train crews and front-line staff to ensure that our service to customers this week is as good as it can be. I am extremely pleased to reiterate that an extra 1,000 rail services, 1,700 bus services and 55 ferry services have resulted in a substantial change in the way we provide transport in this State. Looking at our 20-year rail future document and our tribunal master plan, stages one and two are about modernising our network, bringing it out of the Dark Ages and giving customers the level of service they expect and deserve. When it comes to rail I am especially pleased to note that hubs such as Parramatta, Strathfield, Hurstville, Epping, Macquarie Park, Bankstown and Penrith will get substantially more services every week.

I am pleased to say that the extra bus services will also result in positive outcomes for our customers. For example, in Western Sydney alone there are an extra 1,200 weekly bus services: 40 extra weekly services in Campbelltown; 429 in the inner west; 119 in the northern suburbs; 30 additional weekly bus services in Newcastle and 30 in the Illawarra. In addition to those extra services, we have also introduced new bus routes—I am sure members opposite are delighted about them but will not admit that—in places such as Blacktown, Fairfield, Penrith, Burwood and Dulwich Hill. Last year we introduced a number of additional ferry services, and this timetable builds on that. In places such as Abbotsford, Cabarita, Balmain, Rose Bay and on the north shore there will be faster trips for many of our customers, including services along the Parramatta River. *[Extension of time granted.]*

I acknowledge that, regrettably, no timetable, no matter how good it is, can satisfy every individual preference, and I completely understand that. But we have focused on making things better for the overwhelming majority.

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

**Ms GLADYS BEREJIKLIAN:** I am pleased about what this integrated timetable does. Whether it increases the number of services for our customers, reduces travel times, makes interchanging easier, or provides an easier clock-based timetable alongside the apps, the timetable shows that the customer experience is important to the Government. An important anniversary is being celebrated this week. I know that we are celebrating the thirtieth anniversary of the member for Mount Druitt today, but yesterday was the first anniversary of the Bathurst bullet. The member for Bathurst and his community actively campaigned for a return commuter service to Bathurst. That demonstrates the Government's commitment to ensuring that services not only in Sydney or the immediate regions but also in regional and rural New South Wales are getting the attention they deserve. I congratulate the Bathurst community and the member for Bathurst on celebrating the one-year anniversary. I am pleased to advise the House that that service is extremely well patronised. My message to our customers is this: Thank you for your patience this week. Rest assured that the Government will continue to deliver that level of customer service and experience that, regrettably, members opposite failed to do.

#### COUNCILLOR ANDREW ISTEPHAN

**Mr BARRY O'FARRELL:** Earlier in question time the member for Canterbury asked me a question about Hurstville Councillor Andrew Istephan. I advise the House that Andrew Istephan was suspended from the Liberal Party on 2 October. His expulsion is on the agenda for the November meeting of the State Executive.

#### HEALTH FUNDING

**Mrs JILLIAN SKINNER:** Earlier in question time the member for Macquarie Fields asked me about health funding. I can clarify that there is \$1.2 billion for capital funding this year. That is part of the \$4.7 billion over the four-year period of the O'Farrell Government. On top of that, there is \$17.9 billion in recurrent funding this year.

## STATE BUSHFIRES

**Mr BARRY O'FARRELL:** Earlier in question time the member for Hawkesbury asked me about the bushfires. I can further advise the House that all schools in the Blue Mountains—public, independent and Catholic—will be closed tomorrow. That includes Blackheath Public School, Blaxland East Public School, Blaxland High School, Blaxland Public School, Ellison Public School, Faulconbridge Public School, Glenbrook Public School, Hazelbrook Public School, Katoomba High School, Katoomba North Public School, Katoomba Public School, Lapstone Public School, Lawson Public School, Leura Public School, Megalong Public School, Mount Riverview Public School, Mount Victoria Public School, Springwood High School, Springwood Public School, Warrimoo Public School, Wentworth Falls Public School, Winmalee High School and Winmalee Public School. In addition, the following schools are closed tomorrow: Hilltop Public School, Yanderra Public School, Bilpin Public School, Wilton Public School, Bargo Public School, Grose View Public School, Comleroy Road Public School, Kurrajong North Public School and Kurrajong East Public School. Also closed will be the Katoomba campus and the Wentworth Falls campus of the Blue Mountains College of TAFE. The Hilltop Shooting Centre will also be closed.

**Question time concluded at 3.26 p.m.**

## LEGISLATION REVIEW COMMITTEE

### Report

**Mr Stephen Bromhead**, as Chair, tabled the report entitled "Legislation Review Digest No. 46/55", dated 22 October 2013, together with minutes of the committee meeting regarding Legislation Review Digest No. 45/55, dated 15 October 2013.

**Report ordered to be printed on motion by Mr Stephen Bromhead.**

## LEGAL AFFAIRS COMMITTEE

### Chair and Deputy Chair

**The SPEAKER:** In accordance with Standing Order 282 (2), I advise the House that on 19 September 2013 Brian Michael Doyle was elected Chair and Dominic Francis Perrottet was elected Deputy Chair of the Legal Affairs Committee.

## COMMITTEE ON LAW AND SAFETY

### Deputy Chair

**The SPEAKER:** In accordance with Standing Order 282 (2), I advise the House that on 15 October 2013 Garry Keith Edwards was elected Deputy Chair of the Legislative Assembly Committee on Law and Safety.

## PETITIONS

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

### Ungarie Resident Police Officer

Petition calling on the Government to reappoint a resident police officer to the village of Ungarie, received from **Mr Adrian Piccoli**.

### Oxford Street Traffic Arrangements

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

### Walsh Bay Precinct Public Transport

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

**Pet Shops**

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

**Pig-dog Hunting Ban**

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

**Duck Hunting**

Petition requesting retention of the longstanding ban on duck hunting, 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**.

**CONSIDERATION OF MOTION TO BE ACCORDED PRIORITY****Rural Fire Service**

**The SPEAKER:** There is only one motion to be accorded priority. It is from the member for Port Stephens, who does not want to give reasons for priority.

**Question—That the motion of the member for Port Stephens be accorded priority—put and resolved in the affirmative.**

**RURAL FIRE SERVICE**

**Mr CRAIG BAUMANN** (Port Stephens—Parliamentary Secretary) [3.30 p.m.]: I move:

That this House supports the work of our Rural Fire Service and the many volunteers who are selflessly helping to protect people and their homes from threatening bushfires and providing aid in the recovery.

New South Wales is bracing itself for one of the worst firestorms in living memory. The fires have already destroyed 208 homes and damaged an additional 122 homes. Fire and Rescue NSW has ordered one of the largest mobilisations of fire engines and officers in its history. Alarming, an 11-year-old was arrested for allegedly starting two fires in my electorate of Port Stephens, one of which burnt through more than 5,000 hectares of bushland, forced the evacuation of hundreds as it threatened homes, shut down Newcastle airport and closed the Pacific Highway last Thursday night.

That night my wife, Victoria, and I were two of hundreds of residents in Port Stephens who had to evacuate their homes as the fire, which had started several kilometres away four days before, broke its containment lines and threatened homes in Raymond Terrace and Medowie. The fact that no homes were lost in Raymond Terrace, Medowie or Fingal Bay is not good luck but rather good management and testament to the ferocity of action taken by our firefighters. Tragically, the residents of Salt Ash were not as fortunate on Sunday 13 October and, despite the efforts of hundreds of firefighters, four homes were lost. The Premier and Minister Gallacher visited Salt Ash less than 24 hours later to observe the damage and to commiserate with those who had lost everything.

We watch on in horror as we see the images on our television screens from the safety of our lounge rooms. We weep as we see countless images of families who have lost everything, newspaper headlines screaming "Flaming Hell" and "Worst of Days" with pages devoted to the horror occasioned by the fires. All the while, at the forefront of this crisis, are our volunteers. The Rural Fire Service and the State Emergency Service



comprise volunteers from all walks of life—men and women, young and more experienced, different cultures and certainly different professions. In times such as this bushfire crisis we need to give credit to our volunteers—many of whom lost their own homes and belongings while fighting fires to protect the homes of others. We have heard horrific reports of looters posing as firemen to gain access to devastated areas, of volunteer fireys having their cars broken into while they are out on a job. Without these thousands of volunteers effectively we would not be able to fight fires around the State. The following statement on the Facebook page of the Medowie Rural Fire Service sums up the situation in a firey's own words:

On behalf of all the fireys at Medowie RFB I would like to say a huge thank you to all our families.

They are used to us going out at all hours of the day and night to places unknown and into all sorts of situations, but this has been a big week.

Medowie brigade has been on the go virtually non-stop for the last seven days with very little time being spent with our families.

Yesterday, when we heard the fire was heading towards Medowie, while we were fighting elsewhere, all we wanted to do was get back.

Phone calls were sent and in some cases the message to 'leave' was said as it's one less thing we have to worry about.

Thank you, for putting up with all that we do and put you through.

The late night fire call that wakes you from your sleep. The stories we tell as we relive our days. The disrupted family plans and outings because we are out or want to go out.

The stinky smoke and filth laden clothing that we bring home after a bushfire for you to wash, and all those other things that we love and you accept as being part of who we are.

I am fortunate to have a fantastic local brigade in Medowie and there are quite a few brigades in Port Stephens. When Victoria and I moved from Sydney to Medowie in 1985 it was akin to an episode of *Greenacres*: we had no idea about things such as chooks or snakes. Fortunately we soon met Lou Cassar, our next door neighbour, who was and still is captain of the Medowie brigade. He is always there to fight fires. I saw him on Saturday after he had been fighting fires all week. He had been relieved briefly on Friday so that he could get some sleep. I commend this motion to the House.

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [3.34 p.m.]: I support the motion moved by the member for Port Stephens. We have now had more than five days of fires and it appears as though it will be many weeks before there is any semblance of control of the large fires burning in the Blue Mountains area in particular. I pay tribute to the many volunteers who give of their time and who do such a wonderful job protecting life and property without regard for the consequences on their lives and their families. I commend all those employers who ensure that volunteers have paid leave so that they are able to participate in these activities. These selfless volunteers do a fantastic job and they deserve all the praise that is given to them.

I also refer to those volunteer organisations that provide services to the community during these difficult times and that do a great job. Whilst these organisations do not directly fight the fires, they make a significant contribution to those who have lost property, animals and the like. Yesterday I visited the North Richmond Community Centre, one of the centres that has been set up, and spoke with volunteers from St John's Ambulance. I acknowledge the great work that they do in assisting people. I also met with ADFA, which assists in accommodating those who have had to leave their homes for their own personal safety. Other volunteer organisations, for example, the Welfare League, have contributed significantly to those who have been affected by the bushfires. When I spoke to them yesterday they were trying to place dogs in kennels, cats in catteries and guinea pigs in other locations. They ensure that people's pets are looked after in these most difficult times.

People who are not directly affected by the bushfires think that all that those living in rural locations have to do is pack their belongings and leave their homes, but their animals also need to be looked after. Only yesterday I was informed that Heavy Horse Heaven, which has been established for two years, is carrying out the important task of relocating horses in the Blue Mountains area. It has organised 40 floats to relocate all those horses to which people have become attached. It takes horses from paddocks to the Hawkesbury Showground, looks after them by providing feed and provides temporary fencing in the areas to which they are relocated after the fires have passed.

The New South Wales fires are the worst that we have seen since the 1960s. A number of organisations have volunteered to assist all those who are affected by the bushfires. I pay tribute to Fire and Rescue NSW and in particular to all those on the front line. On Saturday I had the privilege of standing with one of the heroes who saved a grandmother and her three grandchildren from a burning house in Winmalee last Thursday. Members might have seen the footage on *A Current Affair* where he was hailed as a hero. I was with him at Gympie Bay

Public School where, sadly, he was attacked for being there. He had worked a night shift, volunteered his time and was going back to the Blue Mountains to fight fires on the front line. People like him deserve our respect and they deserve to be acknowledged for their great contributions to this firefighting exercise. Everybody is up there doing their bit. Everybody is out there making sure our communities are protected and all of them deserve to be treated with respect for the efforts they are putting into making our communities safe in these most difficult circumstances.

**Mr CHARLES CASUSCELLI** (Strathfield) [3.39 p.m.]: As we know, the Rural Fire Service is the combat agency for bushfires and fires in rural areas of New South Wales and it is composed of paid staff and a huge pool of volunteers. It should be noted that any response to a large-scale emergency must necessarily involve a whole-of-government response and I acknowledge the contribution and support to the Rural Fire Service of many agencies and supporting organisations. I include just a small number of these, with due respect to the many others, such as the Salvation Army, St Johns Ambulance Service, the St Vincent de Paul Society, the many local churches, the Animal Welfare League and many others.

The Rural Fire Service is ably led by Commissioner Shane Fitzsimmons, supported by an effective band of leaders and professional staff. However, the Rural Fire Service absolutely and unconditionally relies on the skills, commitment, energy and enthusiasm of ordinary Australians—neighbours, strangers, friends, relatives, local and interstate—all volunteers. I acknowledge with a heartfelt sense of gratitude those volunteers who have travelled from interstate, 688 firefighters all up, from Victoria, South Australia, the Australian Capital Territory, Tasmania, Queensland and Western Australia.

In my role as the Australian Defence Force Liaison Officer to the Rural Fire Service headquarters I am often on duty coordinating defence support for bushfire efforts across the State, working alongside Commissioner Fitzsimmons's leadership team. I note that their professional demeanour, mixed with that dry Aussie humour, belies the fact that they have the ultimate safety of our community in their collective hands. I have served in a number of military headquarters and I make two observations. The first is that the operations of the Rural Fire Service headquarters are first rate. Its technology and processes ensure that volunteers in the field are given the best possible support. The second is that the Rural Fire Service headquarters now has the largest lolly jar that I have ever seen, ensuring an abundant supply of sugar to all of the staff.

The Premier has been out to the Rural Fire Service headquarters so many times and for such substantial periods of time that last Thursday while I was on duty coordinating defence support the Premier took some time out to instruct me in the use of some of that technology. The days ahead are predicted to be as challenging as the worst days last week. I note that at least one emergency operations centre is to be set up at Regentville tomorrow in anticipation of worsening conditions in the Blue Mountains. I am confident that our volunteers will be up to the emerging challenges and we wish them well.

I often reflect that answers to prayers are delivered by people—ordinary people—and our prayers for our community during the bushfire emergency are answered by the call to duty of our Rural Fire Service and other volunteers who protect our lives and property, often at risk to their own. This invokes feelings of service, sacrifice and courage in me and are these not the same attributes of our men and women of the Anzac legacy? I believe that the spirit of the Anzacs lives brightly in the lives and service of our Rural Fire Service personnel specifically during this bushfire emergency and generally through all of our volunteer-based organisations. We are indeed a lucky State because of them. God bless them and keep them safe. [*Time expired.*]

**Mr NATHAN REES** (Toongabbie) [3.42 p.m.]: I speak in support of the motion moved by the member for Port Stephens. As we speak, there are 70,000 volunteers around New South Wales, either mobilised or on alert. They are dealing with not only the fires in the Blue Mountains that we have spoken about today but also the dozens of other fires across New South Wales in the far-flung parts of the State, many of which are burning out of control. The fires burning in the mountains at this stage have not yet taken a life—and we hope this will remain the case—but they have certainly taken hundreds of properties. As someone who lived in the mountains for six or seven years I can say that it is a place of extraordinary beauty but with that beauty comes danger.

From memory I recall that in 1995 bushfires hit the mid-mountains and it was a sight that was both awe-inspiring and terrifying in equal measure. I cannot begin to imagine what it must be like for those families, schools and communities that have been living with the ever-present danger over the past few days. Our thoughts are with them. I recall at that time some 18 years ago we helped out some neighbours who were a bit older than us. We had not a heated discussion but a spirited discussion about whether we should stay or go. We made the decision to go while they made the decision to stay. Thankfully no-one's home was in danger ultimately. However, we are now in the position of having 70,000 volunteers across New South Wales, headed

by some of the most experienced firefighting organisations in the world. As a former Minister I know that both Fire and Rescue NSW and the Rural Fire Service are asked for guidance from overseas and people in this place and indeed in New South Wales can rest assured that these are the very best of the best.

Our actions in recent years have been shaped by two things: the first is September 11 and the clear and present need demonstrated at that time for combat agencies to work together in a coordinated fashion and, second, the Victorian bushfires in which regrettably more than a hundred lives were lost. Those lessons have been brought to bear on the plans of management for the NSW Rural Fire Service. Our job in this place is to bear in mind that winning any battle relies on three things: One needs artillery, in this case the right equipment; a plan for the use of that artillery, and we certainly have that plan with Rob Rogers and his head, Shane Fitzsimmons, and Minister Gallacher; and morale. It is our job as community representatives to provide the third leg of that tripod. It is our job to make sure that every one of those firefighters knows that we back them to the hilt. Absent any hypothetical gross dereliction of duty or negligence, we give a guarantee from this side of the Chamber that we will never, ever politicise firefighting.

**Mr CRAIG BAUMANN** (Port Stephens—Parliamentary Secretary) [3.45 p.m.], in reply: I thank the members representing the electorates of Blacktown, Strathfield and Toongabbie for their contributions to and support for this important debate. Bushfires are a part of life in New South Wales, particularly in rural and regional areas. As I said, Victoria and I moved to Medowie in 1985. Fire surrounded the house in 1994 and Victoria and the boys sheltered in the downstairs bathroom while the local Rural Fire Service volunteers outside protected the house as a huge fire front roared through the property.

Last Thursday on the way home from Parliament I visited the Raymond Terrace evacuation centre and then Victoria and I registered there a few hours later. When I was at the evacuation centre I noted that people from Cabbage Tree Road had been forced to evacuate and later in the night people from Medowie. Representatives from Family and Community Services, the Red Cross, the Salvation Army, St John's Ambulance and Port Stephens City Council were there to look after the evacuees. On Friday Minister Gallacher and I visited the Finnan Park staging area where Rural Fire Service, Fire and Rescue NSW, State Emergency Service, Police and Emergency Services, and National Parks and Wildlife Service volunteers and personnel from all over the State took a little break between the fires and were looked after by the service clubs, the Salvation Army and the Red Cross personnel.

Many people have done a lot. The other day I bumped into my Rural Fire Service captain, Lou Cassar. He said that it was not a problem but they were gratified to see people coming into the station all day with cakes and that someone from the local Coles supermarket brought bags and bags of bread and drinks. The Rural Fire Service passed that on to the Salvation Army people. The Premier would have noticed, on his visit last Monday following the fires at Salt Ash, people from Ausgrid working diligently along the road as nine power poles had been burnt out completely—I had never seen that before. One of my constituents rang me over the weekend and said, "You didn't say hello to me. You are there with the Premier and you didn't come and say hello." So I will say, "Hello, Brian." Brian Newman was with his Ausgrid crew. They were on site at 11.00 a.m. and replaced nine poles and five wires in very difficult circumstances and had the power back on for the Tilligerry Peninsula by 9.00 p.m. We tend to forget all the agencies involved. This motion is about the volunteers but there are many other people who put in extra effort and they all deserve our greatest thanks.

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

**Motion agreed to.**

## **PLANNING BILL 2013**

### **PLANNING ADMINISTRATION BILL 2013**

**Bills introduced on motion by Mr Brad Hazzard, read a first time and printed.**

#### **Second Reading**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.48 p.m.]: I move:

That these bills be now read a second time.

I am pleased to introduce the Planning Bill 2013 and the Planning Administration Bill 2013. These bills honour one of the Government's key election commitments: to overhaul the State's planning laws and return local

planning powers to local communities, restore powers to local councils and restore confidence and integrity to the planning system. In doing so the Government is creating a truly world-class planning system—a planning system that will deliver the outcomes we need to respond to the challenges we face today and into the future. The new planning system will: deliver jobs and opportunities; protect the environment and our quality of life; provide certainty for all users of the system, whether they are major investors or families undertaking minor home renovations; and deliver more housing, jobs and infrastructure in the right locations to cater for our growing population.

It is informed by strategic plans that are developed with community input, based on sound evidence, and will provide the road map for how we will deliver sustainable development. Today is an important milestone in a process that started in July 2011 with the establishment of an independent panel led by the Hon. Tim Moore and the Hon. Ron Dyer, to review the State's planning system. In June 2012, following extensive community engagement, the independent panel produced a detailed report with 374 recommendations for consideration by the Government. The Government responded with the release of the green paper in July 2012, which set out the major proposed reforms and responded to the independent panel's report. Over 1,500 submissions were received concerning the green paper and more than 2,000 people contributed through community workshops, practitioner forums and online discussions.

All of the detailed feedback received on the independent review and the green paper helped to inform the white paper and exposure bills which were released in April this year for further consultation. Almost 5,000 submissions were received on the white paper and exposure bills and each one was carefully reviewed and analysed. What is clear is that the review of the New South Wales planning system has involved unprecedented consultation. In excess of 6,000 responses were received, including many familiar voices and, in what is a good sign for the future, many new participants in the planning debate.

I will now turn to the case for change. When the current Environmental Planning and Assessment Act 1979 was introduced, it was considered best practice in Australia. However, over time it has become too complex and difficult to navigate with too much red tape. The average development application takes 71 days to assess; for simple home renovations it takes on average 58 days; and to build a new home, approval takes on average more than two months. These delays impose unnecessary burdens on families and small businesses, both in terms of cost and time. The current system is not strategic and considers issues in isolation. It has not been able to adequately respond to changing economic demands and important considerations such as the protection of the environment, and the community's expectations about safeguarding and maintaining their quality of life.

Under the former Labor Government the New South Wales community had also lost faith in the current planning system. There was a clear perception that politics could determine decision-making and a sense that planning decisions lacked transparency and independence. Planning is a critical part of the New South Wales economy, society and environment. Over \$20 billion of potential economic activity passes through the planning system in any given year via the development assessment system. An independent study into the proposed planning system, undertaken by the Centre for International Economics, confirmed that the delivery of these planning reforms will contribute an estimated \$2 billion to \$3 billion per year to the State's economy.

The report found that the proposed reforms are consistent with leading practice for planning systems as identified by the Productivity Commission, the Council of Australian Governments Reform Council and the Grattan Institute, meeting 33 of the 42 leading practice principles, and partially meeting six principles. The current system meets only 12 of these principles and partially meets 13. For a planning system to function effectively, it must have the community's confidence.

The Government's broader planning and infrastructure agenda will now be addressed. The reform agenda for planning was clear when the Government said it would return local planning powers to local communities, return decision-making on development applications to local councils, restore confidence and integrity to the system, deliver more housing and jobs, streamline planning and cut red tape. It has delivered on this agenda since coming to government. The Government has removed politics from planning by delivering on the commitment to repeal part 3A of the Environmental Planning and Assessment Act 1979 within its first 100 days of coming to office.

Targeted policy reform and investment in infrastructure has been delivering the economic results needed to make New South Wales number one again. New housing approvals are at their highest levels since 2004. The Government has planned, released and rezoned land for over 65,000 new jobs in Western Sydney;

invested over half a billion dollars in the essential infrastructure needed to unlock new housing opportunities through the Housing Acceleration Fund; and approved over \$37 billion worth of major projects since it was elected. These projects are delivering 45,000 direct jobs and 96,000 construction jobs.

The introduction of the Planning Bill 2013 and the Planning Administration Bill 2013 will continue that work to deliver economic growth in New South Wales for the benefit of all while protecting the environment and enhancing people's way of life. The Government has carefully considered all the views about the planning system through submissions and other feedback channels and responded with changes to the Planning Bill and through implementation. A feedback report has been prepared which analyses the submissions received, so everyone can see the range of viewpoints held by the community. The report also demonstrates how the Government has listened to feedback from local communities, councils and stakeholders to improve the bill. I seek leave to table it for the information of members.

**Leave granted.**

**Document tabled.**

The Government's agenda for the new system and the fundamental provisions of the planning bills is: an emphasis on strategic planning as the fundamental focus of the new planning system; community participation in strategic planning at the time when the ground rules are being created to ensure they are able to drive how to best cater for growth and protect the environment and local character of their areas; a more simple and transparent development assessment process with codes based on local circumstances; a clear framework that ensures that necessary infrastructure is provided alongside growth; laying the foundations to transform the planning system to an e-planning system that supplies reliable and quality information anywhere and anytime; a new delivery culture involving all the key players in the planning system to set a sound framework for the successful implementation and operation of the new system; a better building regulation system through more mandatory inspections during critical stages and tighter controls on private certifiers; and a system built on a partnership between State and local government to deliver real outcomes to the community. The explanatory note attached to the bills provides a comprehensive description of the new planning framework. I commend it to members because it sets out the purpose of the important provisions in the bills.

The objects of the Planning Bill 2013 reflect a balance between the objects of promoting economic growth and sustainable development. The object to promote sustainable development is now a standalone objective and is defined in line with the 1987 Brundtland report definition as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. The objects are to be considered together and applied to the extent that they are relevant, allowing a decision-maker to respond appropriately to individual circumstances when making a decision. Promoting sustainable development in the Planning Bill brings New South Wales legislation into line with planning legislation in most other Australian States and Territories and reflects leading international practice.

The remaining objects of the Planning Bill set out the other underlying principles of the planning legislation, including: early community participation in planning; coordinated infrastructure and service delivery; facilitating delivery of business, employment and housing opportunities; effective management of natural hazards and natural resources, including agricultural land, water and minerals; protection of the environment and heritage, including recognition of Aboriginal cultural heritage; health, amenity and quality in the design and planning of the built environment; building safety; streamlined and efficient assessments; and shared responsibility between all levels of government. The objects of the Planning Bill include promoting the protection of the environment and the conservation of biodiversity and it contains a range of new measures to achieve this object.

The Planning Bill 2013 contains a new approach to community participation that will be at the centre of the new planning system. Part 2 sets out the legislative framework for community participation, which is also a fundamental object of the planning legislation. The bill contains a community participation charter, which sets out the principles by which the community is to be engaged in planning processes. Planning authorities will be required to act consistently with the charter by preparing community participation plans setting out how they will provide opportunities for the community to participate in all areas of planning. These plans will need be prepared by planning authorities, including the State Government and local councils, and will be tailored to meet the needs of the local community rather than based on a one-size-fits-all approach. The bill provides for the introduction of e-planning as a means of ensuring that the community can be properly informed about planning decisions and participate in the planning process. It also provides the necessary legal protections to ensure the community's rights to participate are properly protected.

The new planning system's principal focus will be strategic planning. For the first time, the planning legislation gives statutory recognition under part 3 of the Planning Bill 2013 to a hierarchy of strategic plans, including State, regional, subregional and local plans. The new hierarchy will be given direction by New South Wales planning policies, which will reflect the Government's agenda for key areas of interest in the planning system, including but not limited to: the provision of housing and employment lands; the protection of biodiversity; the provision of infrastructure; and the management of our mineral and agricultural resources. These planning policies will inform the development of regional growth plans, subregional delivery plans, and local plans, thereby ensuring there is consistency in how planning outcomes are achieved with a clear line of sight between objectives, priorities, targets and actions.

A major shift in the new planning system is the new approach to subregional planning. Previously, many councils operated in isolation from adjoining local government areas in planning for their area. This approach has been shown to be inefficient and ineffective at delivering good planning outcomes for the community. Leading international practice has demonstrated the benefits of councils working together on a regional or subregional basis to deliver better planning outcomes, including more efficient land use and better utilisation of infrastructure. Through strategic planning we will be better able to preserve and protect our natural and built environment. Councils, community and State agencies will work together up front to identify key areas that must be protected, thereby providing greater certainty that they will be protected at all levels of strategic planning.

Part 3 of the Planning Bill 2013 provides for the creation of subregional delivery plans, which will provide the framework for coordination between the State and local governments on planning outcomes within defined subregions. This will include councils working together to identify and plan on a subregional level for how growth and change can best be managed, where certain land uses are best facilitated, and how to make better use of existing and planned infrastructure. The subregional delivery plans will directly zone land in key areas, providing capacity for growth to occur in a timely way and ensuring that the strategic objectives set through the New South Wales planning policies and regional growth plans are delivered effectively. Subregional delivery plans will be developed by subregional planning boards.

Part 6 of the Planning Administration Bill 2013 provides that a subregional planning board is to consist of not more than four members appointed by the Minister, a separate member appointed by each council in the subregion, and a chairperson appointed by the Minister with the concurrence of Local Government NSW. This will ensure that in all deliberations of the subregional planning boards, local government will have majority representation. This delivers on the Government's commitment to give planning powers back to local communities through their councils.

Another key initiative in the planning bills is the introduction of strategic compatibility certificates. These certificates have been designed to provide opportunities for land use change to occur to reflect strategic growth priorities where the local plan has not yet been updated to reflect a higher order plan. The provisions dealing with strategic compatibility certificates state that these certificates will be issued by the independent regional planning panels, not the director general of the department, if more than 25 objections are received or if a council objects to the proposal. Strategic compatibility certificates will apply only in locations where local plans have not yet incorporated regional growth plans and/or subregional delivery plans. Applicants can seek a certificate only for development proposals considered strategically consistent with those plans developed with community input.

For the first time in New South Wales, the bill will put strict limits on the discretionary powers to amend policies and strategic plans without public exhibition. Only minor changes to plans will be able to be made, including minor amendments to correct errors or inaccurate descriptions. All other amendments will be required to be publicly exhibited. The bill also requires reasons for the amendment to be published to ensure transparency and accountability in decision-making. For the first time, infrastructure planning and delivery will be integrated by law as part of strategic planning. Again for the first time, councils and State agencies will work in partnership to plan and deliver infrastructure. The bill will also enable communities to have a much greater say in the planning and delivery of infrastructure in their areas. Part 4 of the bill deals with development that requires consent, including complying development, code-assessed development, merit-assessed development and State significant development. The white paper introduced a new development assessment path known as "code assessment" for straightforward development applications to help reduce red tape and to ensure that developments are assessed using a simpler, quicker and less expensive process.

No blanket target for the take-up of code and complying development will be imposed by the State Government on local councils. However, councils will be expected to streamline their processes and adopt code

and complying development where appropriate. It is anticipated that code assessment will be focused on growth areas, urban renewal areas and urban activation precincts serviced by infrastructure and transport, and as identified in subregional delivery plans or as nominated by councils. Outside those precincts identified for growth by regional and subregional planning, councils will be able to determine whether and where code assessment will apply in their local area. Codes will set the ground rules for development in an area and result in greater certainty for the community about the types and scale of development they can expect in their area. The exposure bill confirms that standards in a code apply strictly. The full merit assessment process applies to development that does not meet the standards in a code, and the community will always be consulted.

The bill also makes it clear that certain developments will never be subject to code assessment. This includes development that requires Heritage Council approval, an Aboriginal heritage impact permit, an environmental impact statement, threatened species concurrence or development that relies on a strategic compatibility certificate. Before inserting a code in a local plan there will be detailed requirements for the information that a planning authority has to prepare and the level of community participation. These will be set out in neighbourhood impact statements that will make it easier for the community to engage on draft codes. Code assessment applications cannot be determined by certifiers. They will always be assessed and determined by councils or professional staff with planning expertise. If a development falls under code assessment, the application will be assessed against the code's performance criteria. These criteria will address matters such as detailed urban design and amenity aspects. If a development meets the code development standards and performance criteria, an applicant can be certain that the consent authority cannot refuse the development on those grounds or impose conditions that are more onerous than the code provisions.

The bill introduces a one-stop shop for development applications that trigger a concurrence or referral requirement or require approval under another Act. For these applications, the Director General of the Department of Planning and Infrastructure becomes responsible for coordinating the general terms of approval and advice or recommendations from other agencies. The bill requires the director general to have regard to a single set of assessment criteria, which will assist in implementing a whole-of-government approach to cross-agency issues and standardising government responses. The bill also ensures that the advice of the Heritage Council or the Rural Fire Service about development applications must be followed, unless there are unreasonable delays or unresolved conflicting agency advice. Benchmark response times are to be adopted in consultation with the Heritage Council and the Rural Fire Service. State agencies and approval bodies retain their function of issuing the final approvals under their own legislation. For example, the Heritage Council will always be responsible for issuing the final approval under the Heritage Act.

The Planning Bill 2013 overhauls the developer contributions system to make it fairer, affordable and transparent. The contributions framework under part 7 of the bill provides a direct link between new growth and infrastructure, to ensure that the necessary infrastructure will be provided to support growth. Councils will now have five years to spend contribution revenue to reduce the time between development occurring and infrastructure provision, and developers will be given the option to defer the payment of contributions to point of sale via a statutory charge. The bill includes important reforms to building certification regulation to rebuild the community's confidence in construction regulation and building safety and provide support for certifiers and councils in relation to compliance and enforcement. A new compliance and enforcement regime will help planning authorities better protect their communities when development is constructed and operated. For the first time, offences under the planning legislation will be classified in tiers according to their severity, with increased maximum penalties for individuals and corporations.

Community appeal rights as they exist under the current system will not change. For the first time, the community will also be able to initiate legal proceedings regarding the making of regional and subregional plans. There were previously no judicial review rights for these strategic plans as they were made outside the legislation. Importantly, the bill expands judicial review rights to protect community participation processes. For the first time, the planning legislation expressly allows judicial review of the failure to notify and exhibit State, regional and subregional strategic plans for minimum periods. In developing the planning bills, we have paid particular attention to addressing the concerns raised by the Independent Commission Against Corruption, the Heritage Council and Local Government NSW as these issues both are important in their own right and also represent concerns raised by local councils and the community more broadly. The Government is committed to transparency and probity in process and decision-making under the new system.

We have responded to the Independent Commission Against Corruption's concerns and ensured that there are additional limitations on the discretion of decision-makers to restrict variations from standards, increase public scrutiny and require greater transparency; there are tighter controls on complying development

and stricter controls for code-assessed development; there is a greater role for experts and independent panels as part of decision-making, including the Planning Assessment Commission and regional planning panels, which will have expanded responsibilities; if a proposal does not comply with the development standards for code development it must be determined through merit assessment, including community consultation; and where a local council objects to an application for a strategic compatibility certificate or if more than 25 objections are received, regional planning panels will now determine the application.

There will be a mandatory 28-day exhibition required for applications; all existing community merit appeal rights remain available and are consistent with the current Act; the community's judicial review rights are consistent with those under the current Act, as well as extending judicial review to the making of strategic plans; all specific anti-corruption provisions in the current planning legislation are retained, including the special powers to suspend consents; and it will be a requirement to consider proportionality of contributions against established benchmarks when drafting a planning agreement. The Independent Commission Against Corruption supports the improvements made to the bills and we will continue to work with the commission during the implementation of the new system to ensure integrity and probity in its rollout. In its letter of 22 October 2013 to the Director General of the Department of Planning and Infrastructure, the Commissioner of the Independent Commission Against Corruption, the Hon. David Ipp, AO, QC, said:

I particularly note the Department's undertaking that it will develop assessment criteria for variations to development standards that will be more robust than those which apply under the current system. The implementation of this proposal and the other measures outlined in your letter today will address the Commission's concerns to a significant extent.

I seek leave to table a copy of the letter from the Independent Commission Against Corruption to the director general.

**Leave granted.**

**Document tabled.**

We have consulted with the Heritage Council and amended the bill to ensure that there is a specific object recognising the importance of heritage—the current Act does not provide this. Development on State heritage items or Aboriginal heritage must be merit assessed where full community consultation applies. The director general must follow the advice of the Heritage Council under the one-stop shop unless there is unreasonable delay in issuing an approval or the Heritage Council cannot resolve a conflict with another agency. Existing protections for listed heritage items and heritage conservation areas at both the local and the State level are preserved. In addition, the Government will prepare a standalone State planning policy for environment and heritage.

We have also responded to the concerns of Local Government NSW as local government will be an important partner in the implementation of the new system. We share and support their commitment to achieving strong and prosperous communities. I thank Local Government NSW president, Keith Rhoades, for his leadership in working collaboratively with the Government. The bill will return greater planning powers to local councils and communities by allowing councils to modify statewide complying development codes, allowing councils to determine where code assessable development will apply outside growth areas, scrapping any target for streamlined assessment, and by giving councils representation on the new subregional planning boards. These elements of the bill have been supported by Local Government NSW, which identified that it will contribute to ensuring "that communities and councils are included in planning decisions". I seek leave to table a media release of Local Government NSW dated 18 September 2013.

**Leave granted.**

**Document tabled.**

A range of other initiatives included in the bill address issues raised by Local Government NSW. Local Government NSW has welcomed these initiatives. Correspondence from the President of Local Government NSW, Keith Rhoades, dated 17 October 2013, stated:

I appreciate the prompt attention you have given to the planning outcomes from the LGNSW Annual Conference and your timely response. I am pleased that you have addressed the planning outcomes of the Conference in a constructive manner and have provided a positive response in many instances. This includes specific amendments to the planning bills and undertakings in relation to the implementation processes.



I seek leave to table that correspondence from the President of Local Government NSW.

**Leave granted.**

**Document tabled.**

I also commend the work of the Planning Institute of Australia, NSW Division, which has been instrumental in working with the Government to develop these reforms. The President of the Planning Institute of Australia, Sarah Hill, offered these comments on the planning bills:

The New South Wales Division of the Planning Institute of Australia (PIA) believes that the current New South Wales planning reforms represent a significant opportunity to ensure that this State has a modern and responsive planning system which will take New South Wales forward. The Government is to be commended on the process of wide consultation and in particular the positive engagement processes in the most recent round of consultations.

PIA believes that it would be counterproductive for the community and economy of New South Wales if these reform principles were to be abandoned or significantly watered down.

I seek leave to table that document from the President of the Planning Institute of Australia.

**Leave granted.**

**Document tabled.**

I turn now to the issue of implementation. The Government is committed to implementing this world-class planning system as soon as possible. Our communities need a planning system that enables positive development to provide housing, jobs and improved lifestyles whilst also safeguarding our environment. However, we also recognise the need to provide a smooth transition and certainty for councils, the community and industry. The bill includes savings and transitional provisions to ensure existing processes will continue uninterrupted. Planning applications that have been made but not determined can continue under the current Act and, if approved, will become consents under the new legislation. Important protections in State environmental planning policies, such as protections for koala habitats, will be incorporated in new local plans. Current local environmental plans and development control plans will form part of the new local plan for each local government area on day one of commencement of the new system.

Clear governance arrangements will be established to ensure that the new system is implemented in a timely, transparent and collaborative way. The Government will work in partnership with local councils to ensure the successful implementation of the new system and will work closely with peak body representatives, industry professionals, government agencies and key community groups. These bills are another key milestone in our reform agenda for planning and will enable us to return local planning powers to local communities, return decision-making on development applications to local councils, restore confidence and integrity to the system, deliver more housing and jobs, streamline planning and cut red tape. In short, they will deliver a world-class planning system for New South Wales. They also represent the next step in the delivery on our commitment to reform the New South Wales planning system by making it simpler, more certain and more transparent. The bills will drive integrity and performance and make New South Wales the most competitive location for investment and employment generation.

The new planning system will deliver more say for local communities in setting the ground rules for future development in their areas. It will deliver straightforward and streamlined planning decisions for families and a system that is easy to understand. It will impose tough checks and balances for major development as well as create more jobs for small business, builders and tradespeople and strengthen our economy. These are important benefits for us all, delivered by a new approach that balances interests and responds to the needs of mums and dads, small business and communities. We have listened and responded to the many views expressed, including the individuals and groups who did and did not agree with our proposals. We have followed the approach to leading practice planning systems identified by the Grattan Institute, the Productivity Commission and the Council of Australian Governments Reform Council. We are ensuring that the economy will continue to grow and provide jobs and opportunities for all, and that housing and infrastructure will be delivered whilst also safeguarding our environment. Now it is time to get on board and make this new system a reality. I commend the bills to the House.

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

**STRATA SCHEMES MANAGEMENT AMENDMENT (CHILD WINDOW SAFETY DEVICES) BILL 2013**

**Consideration in detail requested by Ms Tania Mihailuk.**

**Consideration in Detail**

**ACTING-SPEAKER (Mr John Barilaro):** By leave, I will propose the bill in groups of clauses and schedules.

**Clauses 1 and 2 agreed to.**

**Ms TANIA MIHAILUK** (Bankstown) [4.27 p.m.], by leave: I move Opposition amendments Nos 1 and 2 on sheet C2013-139B in globo:

- No. 1 Page 4, schedule 1 [7], line 29. Omit "13 March 2018". Insert instead "the day that is 2 years after the commencement of that section".
- No. 2 Page 4, schedule 1 [7], line 32. Omit "13 March 2018". Insert instead "the day that is 2 years after the commencement of section 64A".

I take this opportunity to address the amendments concurrently. I foreshadowed these amendments last week in my contribution to the debate on the Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013. I note that a number of members on both sides of the House have addressed this issue. I think all members agree that we need to mandate safety devices on windows in strata scheme residential buildings. However, I propose that the implementation period be reduced from five years, as proposed in the bill, to two years. Government members raised an issue with my foreshadowed amendment of "two years". I note that the need for media and education campaigns was raised, as was cost, to some extent. I will respond to that point.

The Children's Hospital established a working party in early 2011. The Australian Medical Association has been on board certainly since early 2012, if not earlier, in advocating for the need to mandate safety devices on windows to reduce the severity of injuries that children sustain as a result of falling from windows and to prevent death in many instances. It has raised the need for the Government to consider this as a public health issue. In that time the issue has received a considerable amount of attention. No doubt there has been a large amount of media attention, sadly, usually as a result of child falling from a window. As such, it reminds us how important and significant it is for safety devices to be installed swiftly. The member for Davidson said:

The cost of carrying out this work as a retrospective installation is estimated to be \$10 to \$40 per window. Surely this amount is more than justified to protect the lives of young children. Window safety is not expensive but it can be priceless.

I agree with the member for Davidson. No doubt children's lives are priceless and safety devices are not expensive. I remind members that the National Building Code has been amended to reflect the need, as of May this year, for new residential buildings to have compliant safety devices at a particular height. I see an untenable situation where we will have children and families potentially living side by side, one in a new complex and another in an old complex; one complex has a requirement for safety devices on windows, and the other complex will have to wait 4½ to five years before the owner corporation must install safety devices. I remind members that only 18 months ago the Government introduced the Swimming Pools Amendment Bill 2012. The purpose of that bill was to amend the Swimming Pools Act 1992 with respect to the registration, inspection and certification of swimming pools. That bill proposed—it was supported in this House—an 18-month implementation process. The Minister for Local Government in his second reading speech said:

The 18 month phase-in period will allow sufficient time for landlords and property owners to understand and comply with the new provisions, including taking any remedial action to ensure that pool fences comply.

There are 340,000 swimming pools in New South Wales. As the Minister for Local Government said, "Children's safety is paramount and very young children are most at risk." He further said:

Every child drowning is a tragedy to families and communities, not least because it is preventable through ensuring responsible supervision and compliant barriers ...

Research indicates that by increasing compliance with full barrier requirements the rate of infant death by drowning could be reduced by up to 41 per cent.

In that instance the Minister for Local Government recognised the need to implement that legislation in an 18-month period. No doubt fencing swimming pools is a costly exercise. We also know ensuring that swimming

pool fences comply with council regulations is a costly exercise. But in this House we recognised the need for that; members on both sides of the House understood that it was necessary for the implementation process to be as swift as possible in order to save children's lives. I argue that the Minister for Fair Trading should perhaps take the lead of the Minister for Local Government, follow in his footsteps and recognise that the implementation period for installing window safety devices should not be five years. I think two years is more than sufficient—indeed, it is generous when it comes to saving children's lives.

New South Wales has just under 70,000 strata schemes and 340,000 backyard swimming pools. We know that compliance will not be nearly as onerous as it will be in relation to swimming pools. So I ask Government members who eagerly supported the Swimming Pools Amendment Bill 2012 to consider the need to support these amendments. As the member for Davidson and others have clearly articulated, children's lives are priceless. Clearly, the cost of these safety devices is not excessive. There is not an owner corporation or strata scheme—I believe there is not one—that is not aware of the need for these safety devices to be mandated.

There has been a strong campaign over the past two years, which I understand the Minister and the Government have supported. I know that the Australian Medical Association, the Children's Hospital, Westmead, and others are keen to see these safety devices mandated and implemented as quickly as possible. I think five years is extraordinarily long and unnecessary. So I urge Government members and the Minister to reconsider their position. I ask them to accept that the same urgency they applied to the Swimming Pools Amendment Bill 2012 should be applied to this legislation and that they should support these amendments.

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Fair Trading) [4.36 p.m.]: The Government opposes the amendments moved by the Opposition. I place on record my thanks to the shadow Minister for Fair Trading for her support generally of this bill. I feel the need, as did the member for Davidson rightly in the second reading debate, to point out that in 2009 an article by Paul Bibby, urban affairs writer for the *Sydney Morning Herald*, stated that the Government did not believe it was necessary to legislate for the installation of window safety devices. I note that the member for Maroubra, who has young children—many people in his electorate live in high-rise residential buildings—is in the Chamber this evening and supports the bill. The bill provides that an owner corporation is not required to comply with new section 64A until 13 March 2018, and an order from the adjudicator cannot be sought until that date.

There are approximately 600,000 residential lots in strata schemes across New South Wales, and as many as 75 per cent are expected to need to comply. As one can appreciate, that is no small number. As such, market impacts need to be considered, such as the supply of and demand for window safety devices. Similarly, there is the potential for price gouging in the market, for example, by tradespeople or by those selling the devices. The five-year compliance period proposed in this bill will mitigate the risk of this practice occurring. Further, we do not want another pink batts type of scenario occurring in New South Wales. The Government wants to ensure that this work is done right the first time for the benefit of all children across New South Wales.

I will touch on the implications of the amendments for decision-making processes within strata schemes. It is understandable that following the introduction of these laws owner corporations will need to discuss the process they will follow as they go about installing window safety devices. Owner corporations will need to identify which windows are affected, obtain quotes, hire tradespeople if necessary, raise appropriate levies and consult with residents within the strata scheme to schedule the work. This is necessary to ensure that the work is carried out correctly, properly and to an appropriate standard. Despite this, some schemes have already acted to put window safety devices in their buildings. The Government urges owner corporations to take responsibility and to act early. It should be noted that the Australian Medical Association and Westmead Children's Hospital are supportive of this legislation as it stands. They stood side by side with me when I made the announcement in March. The amendments moved by the Opposition, whilst in theory they seem to be good, are quite impractical. This work must be done correctly and safely in order to protect our children. As such the Government opposes these amendments.

**Ms TANIA MIHAILUK** (Bankstown) [4.40 p.m.]: I appreciate that the Minister said that the Opposition generally has been supportive of this legislation. I have three young children, we live in strata accommodation and I am cognisant of the need to mandate for such safety devices. I reiterate that price gouging was not a consideration when the swimming pool fences amendment bill was considered in this Chamber about 18 months ago. The Department of Local Government or the Minister for Local Government may have considered the matter. The safety of our children is paramount and their lives are priceless, which obviously overtook any consideration or concern about price gouging in the implementation of swimming pool fences in more than 340,000 backyard swimming pools across this State.

I am aware that it is costing councils and that they are also greatly concerned about how they will manage implementation, registration and inspections of those swimming pools. Each owner must pay council approximately \$150 for that process. No doubt a number of regulations exist relating to the fencing bill that was passed by this Chamber. I do not accept that price gouging is a serious concern in the implementation and mandating of window safety devices. I reiterate that on average it will cost \$20 to \$25 to install these window safety devices. I also remind the Government that although owners corporations have one annual general meeting they meet regularly as they see fit, given the needs of individual lot owners, to bring to the table a number of strata-related issues that have to be discussed from time to time.

I urge the Government to reconsider its position. I do not accept the comparison made by the Minister to the former Federal Government's pink batts scheme. This is the first time that comparison has been made in this Chamber. I have spoken to many stakeholders who consider that the cost will be low and that the implementation process will not be burdensome. If the Government is serious about saving the lives of children and reducing injury it is an easy decision to accept the Opposition's amendments.

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Fair Trading) [4.45 p.m.]: The provision in this legislation to allow five years for safety devices to be installed correctly, appropriately and safely by professionals is supported by Westmead Children's Hospital and the Australian Medical Association. This Government has done more in two years to educate people about the risk of children falling from windows than any Commonwealth jurisdiction. I believe it is being implemented through a risk management process. Members of the former Government did nothing for 16 years and children fell from windows and died. I believe that this legislation will be a well administered roll-out. I join the shadow Minister in saying that it will prevent children falling from windows and dying.

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 54**

Mr Anderson	Mr Gee	Mr Provest
Mr Aplin	Ms Gibbons	Mr Roberts
Mr Ayres	Ms Goward	Mr Rohan
Mr Baird	Mr Grant	Mr Sidoti
Mr Bassett	Mr Hartcher	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	Mr Holstein	Mr Souris
Mr Bromhead	Mr Humphries	Mr Speakman
Mr Brookes	Mr Issa	Mr Stokes
Mr Conolly	Mr Kean	Mr Toole
Mr Constance	Dr Lee	Ms Upton
Mr Cornwell	Mr Marshall	Mr Ward
Mr Coure	Mr Notley-Smith	Mr R. C. Williams
Mrs Davies	Mr O'Dea	Mrs Williams
Mr Dominello	Mr O'Farrell	
Mr Elliott	Mr Page	
Mr Evans	Ms Parker	<i>Tellers,</i>
Mr Flowers	Mr Perrottet	Mr Maguire
Mr Fraser	Mr Piccoli	Mr J. D. Williams

**Noes, 22**

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

**Question resolved in the affirmative.**

**Opposition amendments Nos 1 and 2 [C2013-139B] negatived.**

**Schedule 1 agreed to.**

**Consideration in detail concluded.**

### **Third Reading**

**Motion by Mr Anthony Roberts 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.**

## **WORK HEALTH AND SAFETY AMENDMENT BILL 2013**

### **Second Reading**

**Debate resumed from 16 October 2013.**

**Mr MICHAEL DALEY** (Maroubra) [4.57 p.m.]: I lead for the Opposition in debate on the Work Health and Safety Amendment Bill 2013. From time to time in this place issues arise where there is so much crossover between the Government and the Opposition and where their beliefs are so philosophically and strongly held that there is often no accommodation or chance of accommodation. The Work Health and Safety Act and this bill fall into such a category. The Opposition believes fervently in a strong workplace health and safety, and occupational health and safety regime. I suggest it has been one of the hallmarks of the previous Labor Government and its predecessors over a long time. Therefore, we were bitterly disappointed but not surprised when this Government in its infancy moved with undue haste and without any consultation with Chief Justice Boland of the Industrial Court, or anybody else for that matter, to begin immediately dismantling that legislation simply because it was the Government's core belief that it was too loaded in favour of employees.

One of the first things that the Government did was to lead an assault on the Industrial Relations Commission and Industrial Court that continues to this day. Formerly, Industrial Court adjudicators held the same status as a Supreme Court judge, were experienced, held the requisite expertise in those specialist matters and were well resourced. Having the general criminal jurisdiction of the State hear prosecutions and applications that arose from workplace injury or death has been tried. The Opposition does not say that it failed but a specialist jurisdiction was deemed superior and it created one. It did not operate perfectly—as no legal jurisdiction can—but it was as good as one could get.

With the enactment of a number of bills in 2011 the Occupational Health and Safety Act 2000 was dismantled and the Work Health and Safety Act 2011 was introduced. That resulted in the transfer of matters from the Industrial Court and Industrial Commission to the District Court and Local Courts, with the exception of matters where a death resulted, which proceeded on indictment to the Supreme Court. The Opposition did not agree with it then and it does not agree with it now. The Government cocked up that legislation and if it had not members would not be in the House today seeking to remedy that mistake.

[Interruption]

It is, otherwise I would not be talking about it. The validity of the jurisdiction to hear those prosecutions is challenged in *Empire Waste Pty Limited and Dean Baldwin v District Court of NSW*. I am told the ramifications of that challenge will extend to approximately 70 matters. The Opposition will not oppose the bill but foreshadows that amendments will be introduced in the other place to halt and reverse the transfer of those matters to a jurisdiction that does not want it—the District Court. The Chief Judge of the District Court does not want and has not been resourced to hear the cases. Sufficient resources have not been made available to the District Court to assist it in dealing with the new workload. It was a bad idea in 2011 and it is a bad idea today. The Government got it wrong and the Opposition will remedy the issue through amendments in the other

place. The second major aspect of the bill addresses a technical issue dealing with the filing of prosecutions. It has been the legal position and practice under the Occupational Health and Safety Act 2000 that proceedings under that Act for breaches of workplace safety were brought by a WorkCover inspector.

**ACTING-SPEAKER (Mr John Barilaro):** Order! I call the member for Coffs Harbour to order for the first time.

**Mr MICHAEL DALEY:** As a matter of practice the initiating proceedings were signed by the inspector in whose name the proceedings had been initiated, but over time the practice developed that initiating proceedings were signed by lawyers working for WorkCover. That is not a problem in any other jurisdiction where, for example, statements of claim are signed by the plaintiff's lawyer. But certain proceedings brought under the Occupational Health and Safety Act 2000 will be compromised or struck out due to that technical issue. The Opposition cannot allow that to happen and agrees with the Government that the situation should be remedied. The Opposition does not disagree with that aspect of the bill that seeks to remedy that situation and to protect matters brought under the Occupational Health and Safety Act 2000 that are on-foot and that may be challenged or struck out. The Opposition does not agree with the conferral of jurisdiction to the District Court, or any other court, and will seek to remedy that situation in the other place.

**Mr JONATHAN O'DEA (Davidson) [5.05 p.m.]:** I support the Work Health and Safety Amendment Bill 2013, which proposes a number of amendments supported by public interest considerations. I note the Minister for Finance and Services, Andrew Constance, indicated in his second reading speech that there are issues to be resolved arising from prosecutions concerning workers who have been severely injured or killed. In that sense the bill addresses issues raised in a number of appeal proceedings, in particular, *Empire Waste Pty Limited and Dean Baldwin v District Court of NSW and Inspector Steven Brock, Australian Native Landscapes Pty Limited v Inspector Nathan McDonald and District Court of NSW*, and *Attorney General for the State of NSW v Built NSW Pty Limited and Air Conditioning Engineering Services Pty Limited*.

The bill before the House deals with minor issues that have arisen in the process of transition from the former Occupational Health and Safety Act 2000 to the Work Health and Safety Act 2011. As the shadow Treasurer stated, the new work health and safety laws commenced in New South Wales on 1 January 2012. The bill before the House has a number of objects. They are somewhat technical but important in addressing relatively minor transitional issues. Those objects are as follows:

- (a) to include in the Work Health and Safety Act 2011 (the WHS Act) provisions of the regulations under that Act that establish savings and transitional arrangements relating to proceedings for offences under the Occupational Health and Safety Act 2000 (the OHS Act) alleged to have been committed before the repeal of that Act,
- (b) to make it clear that proceedings for an offence against the WHS Act or the OHS Act may be brought and prosecuted by an Australian legal practitioner who represents a person authorised to bring the proceedings,
- (c) to put beyond doubt the validity of acts or omissions under provisions transferred from the regulations and of prosecutions by legal practitioners acting on behalf of authorised prosecutors,
- (d) to make it clear that restrictions on the power to make savings and transitional regulations under the WHS Act that deem provisions of that Act to be amended did not apply to certain provisions of the regulations,
- (e) to permit proceedings for offences under the OHS Act to be recommenced if the original proceedings were terminated for invalidity but would have been validated by this Bill, even if the time for commencing those proceedings has expired.

I would be surprised if I had not lost everyone in the House who is listening to this debate. Members will gather that there is an element of technical and important, but transitional, amendment that needs to be implemented by this Parliament. The Government appreciates that this is recognised by the shadow Treasurer and other members opposite. However, I note that they have foreshadowed that they may move amendments in the other place.

I take this opportunity to remind the House of this Government's considerable achievements with the passage and implementation of the new work health and safety legislation. These measures enhance productivity and reduce compliance costs for businesses working in more than one jurisdiction, thereby making it easier for people and businesses to do business in New South Wales. The Government took the lead with these historic changes, and New South Wales was one of the first States in Australia to pass the harmonised laws. To that extent, members opposite are still pretty slow to get with it. The rest of Australia has moved on, but members opposite have stayed in the past.

This once-in-a-generation change converted a convoluted system of legislation into a simplified set of laws. The harmonisation of work health and safety legislation has reduced compliance and red tape for employers while maintaining a strong work health and safety framework. These changes follow the Government's 2011 legislation, which removed unfair provisions that were contrary to accepted criminal law procedures. The O'Farrell Government took the initiative to amend the Occupational Health and Safety Act with effect from 7 June 2011 to remove the reverse onus of proof. That significant change was made in advance of the commencement of the national Work Health and Safety Act because the Government saw it as a priority in implementing law reform as soon as possible. That change was welcomed not only by the majority of members in this place but also by the business community and the wider New South Wales community. It has had a positive impact on not only economic activity but also confidence in the State, and it has improved the willingness of people to get on with things.

The transfer of the jurisdiction for Work Health and Safety Act prosecutions and the remaining Occupational Health and Safety Act prosecutions from the Industrial Court to the District Court was an integral part of the Government's reforms. Some transitional issues did arise, but they are now being addressed. The bill before the House rectifies technical issues that arose during that transition process. It also supports the Government's policy of ensuring that work health and safety prosecutions are dealt with by the mainstream courts. I thank the Minister for Finance and Services for clarifying a number of issues that require attention and I urge members to support this legislation. This is an admirable bill, and I commend it to the House.

**Mr GUY ZANGARI** (Fairfield) [5.13 p.m.]: The purpose of the Work Health and Safety Amendment Bill 2013 is to make a number of amendments to the Work Health and Safety Act 2011. According to the bill's explanatory notes, it seeks to include provisions in the Act to establish savings and transitional arrangements relating to proceedings for offences under the Occupational Health and Safety Act 2000. The bill aims to clarify that proceedings for an offence in breach of the Work Health and Safety Act or the former Occupational Health and Safety Act may be brought and prosecuted by an Australian legal practitioner who represents a person authorised to bring the proceedings. It also aims to clarify the validity of acts or omissions under provisions transferred from the regulation and of prosecutions by legal practitioners acting on behalf of authorised prosecutors. The bill will also permit proceedings for offences under the Occupational Health and Safety Act to be recommenced if the original proceedings were terminated for invalidity even if the statute of limitations with regard to commencing proceedings has expired.

One of the great travesties that resulted from the Coalition Government's taking on the stewardship of the great State of New South Wales after March 2011 was that Premier O'Farrell set back the rights of workers. One of his first acts as Premier was to water down the powers and jurisdiction of the Industrial Relations Commission and the Industrial Court. Among other things, the Work Health and Safety Act 2011 transferred the jurisdiction of the Industrial Relations Commission to hear prosecutions for breaches of workplace health and safety laws and regulations to the District Court of New South Wales and the New South Wales Local Court. On rare occasions, the Supreme Court has jurisdiction to hear matters relating to a death in a workplace.

Such changes represent the removal of hard-won rights that have protected the workers of New South Wales since the establishment of the Industrial Court under the Industrial Disputes Act 1908 and the earlier Court of Arbitration, which was set up at Federation in 1901. The O'Farrell Government's attack on the rights and entitlements of hardworking public servants in this State after the 2011 election has continued with fervour. The State's public servants can no longer expect that their pay will keep up with the rate of inflation. They are now entitled only to a capped 2.5 per cent increase in their remuneration irrespective of the rate of inflation.

The Work Health and Safety Amendment Bill 2013 is the result of a number of legal challenges, albeit mainly technical, to the Work Health and Safety Act. *Empire Waste Pty Ltd and Dean Baldwin v the District Court of NSW* and *Australian Native Landscapes Pty Ltd v Inspector Nathan McDonald and District Court of NSW* have questioned the jurisdiction of the District Court to hear matters that predate the transitional provisions in the Work Health and Safety Act. It is argued that this retrospective application of the provisions of the Act diminishes the rights of victims. The bill also addresses further technical arguments concerning the filing of prosecution of workplace matters in the District Court and the Local Court.

It was the practice under the Occupation Health and Safety Act that proceedings brought under the provisions for breaches of the workplace safety laws and regulations could be instigated by a WorkCover inspector. The initiating proceedings were customarily signed by the inspector in whose name the proceedings had been initiated. However, as a matter of practice initiating proceedings have often been signed by lawyers representing WorkCover, notwithstanding that the proceedings were brought in the name of an inspector.

I am advised that it is much the same as statements of claim and other initiated proceedings before the court being signed by the plaintiff's solicitor as standard practice. This practice was challenged in court in the *Attorney General for the State of NSW v Built NSW Pty Ltd and Air Conditioning Engineering Services Pty Ltd*. It was argued that the proceedings were not valid because the documentation was not signed by the inspector under whose name the proceeding was initiated. This bill seeks to insert item [1] in schedule 1 to address that issue. While I do not oppose the balance of the bill, I do oppose the provisions relating to the transfer of occupational health and safety matters that were not determined before the enactment of the Work Health and Safety Act 2011 to the jurisdiction of the 2011 Act.

**Mr DOMINIC PERROTTET** (Castle Hill) [5.18 p.m.]: I support the Work Health and Safety Amendment Bill 2013. The purpose of this bill is to overcome two technical challenges to WorkCover prosecutions for serious occupational health and safety offences. The real issue arising from this bill stems from the Government's bill that became law on 1 January 2012, when the Work Health and Safety Act 2011—which I will call the new Act—replaced the Occupational Health and Safety Act 2000, which I will refer to as the old Act. As part of the Government's new Act, jurisdiction was granted to the District Court to hear matters previously heard by the Industrial Court. As a result of the passing of the bill, the Government adopted a policy for these prosecutions to be dealt with by the District Court. Consistent with this policy, the Government decided that any occupational health and safety prosecution not yet filed should be filed in the District Court. The Governor, when assenting, made a transitional regulation to achieve this.

As part of the bill, incidents that had occurred under the old Act could be heard under the old Act with the view that those matters would also be heard in the District Court. As a result of that there have been a number of legal challenges to that position on the basis that those matters brought under the old Act should be heard in the Industrial Court not the District Court. The argument arose in two cases, *Empire Waste Pty Ltd and Dean Baldwin v District Court of New South Wales* and *Inspector Steven Brock and Australian Native Landscapes Pty Ltd v Inspector Nathan McDonald and District Court of New South Wales*. The argument is that an Act not a regulation should provide for occupational health and safety prosecutions to be heard by the District Court instead of the Industrial Court. This bill will enshrine in law the position that matters brought under the old Act can be heard under the jurisdiction of the District Court.

There is a further amendment, which is also under legal challenge. That relates to the fact that a lawyer acting for a WorkCover inspector can commence Occupational Health and Safety Act prosecutions. That issue is under question in the matter of *Attorney General for the State of New South Wales v Built New South Wales Pty Ltd and Air Conditioning Engineering Services Pty Ltd*. I note that the Opposition does not appear to have taken issue with that point as part of the Act. However, the Opposition has said that it will seek to raise amendments to this bill in the upper House. It is important to note that whilst the Opposition opposed the bill previously brought to the Parliament and argued that these matters should be heard by the Industrial Court, that bill has now passed the Parliament. In my view, given the uncertainty arising from these proceedings, they have an obligation not to oppose the bill in its current form.

A number of matters are in question as a result of matters in the Court of Appeal. Firstly, a stevedore at Port Botany received fatal crush injuries when a 40-foot container was being lowered into place by a crane from the deck of a container ship and moved unexpectedly. WorkCover has prosecuted the stevedore's employer. In a further incident at Port Botany, a mechanic was fatally injured by the explosion of a tyre while servicing a forklift. The forklift operator suffered abdominal injuries. In another matter, a storeman suffered fatal crush injuries when a bulk roll of paper weighing approximately 300 kilograms fell from a stack, bounced off the forklift and struck him.

The families of injured and deceased workers currently face uncertainty until the technical issues dealt with in this bill are resolved. It is the Government's view that it is in the public interest for these matters to be heard by the District Court as soon as possible. The passing of this bill through the Parliament will ensure that that is the case and will put to rest any uncertainty from the passing of the previous bill. The new Act ensures that these families and injured workers are entitled to the compensation they deserve.

**Mr RON HOENIG** (Heffron) [5.25 p.m.]: The member for Maroubra, when he led for the Opposition, pointed out to the House that there are some issues on which those on the conservative side of the House and those on the Labor side are diametrically and philosophically opposed, and this is particularly true on the matter of work health and safety and occupational health and safety. The member for Castle Hill referred to people who sustained injury and said that the purpose of the bill was to remove uncertainty. However, I point out to the House that it was the Government's legislation, the Work Health and Safety Bill, that created the problem in the



first place. The *Empire Waste Pty Ltd and Dean Baldwin v District Court of New South Wales* case is currently before the Court of Appeal. It is almost a concession by the Government that it requires these amendments to be passed. First, I thank the Minister for Finance and Services for a briefing provided to the member for Maroubra, the Hon. Adam Searle and me. The briefing was quite helpful.

One of the things that the then Minister for Finance and Services, the Hon. Greg Pearce, said when he introduced this bill in 2011 was that the basis for the proposal of this legislation was that it was in accordance with an agreement of the Council of Australian Governments at the instigation of the then Federal Labor Government to get a nationally harmonised occupational health and safety system. I was not here at the time the bill was introduced, but I imagine there was considerable opposition to it. The bill enacted a nationally agreed model Work Health and Safety Act. I recall that in 2011 there was some dispute between the then Premier and the then Prime Minister about whether a final agreement had been reached.

Generally speaking, as a matter of philosophy the Labor Party would not have opposed some things. For example, the Work Health and Safety Bill 2011 removed the reversal of onus of proof in work health and safety prosecutions that required the prosecution to prove what was reasonable. The bill restored the normal criminal onus. It is unusual for the Labor Party to oppose such provisions, but there is a philosophical position that Labor takes in relation to the Industrial Relations Commission and work health and safety. The Labor Party was founded more than 120 years ago and since then the labour movement has been fighting oppression by various employers as well as injury and death suffered in completely unregulated workplaces.

Having legislation that provides for criminal prosecution of those persons who provide unsafe workplaces and unsafe practices is a victory for the labour movement, which has struggled to achieve this for more than a century. I concede that in his second reading speech the Hon. Greg Pearce sought to remedy part of the system and, as the member for Maroubra said, not all of it is perfect. The Industrial Relations Commission has experience and a track record of being able to deal with employer-employee relationships. It has an understanding of not only unions and employees but also of employers; it has particular expertise in dealing with and resolving matters that relate specifically to the workplace.

When criminal prosecutions are taken out of the Industrial Relations Commission—as the Government did in 2011—or when criminal prosecutions effectively are taken away from the matters that were dealt with by the Chief Industrial Magistrate and given to the District Court of New South Wales because, as the Minister said in 2011, that is the court that normally deals with criminal matters and it can deal with those prosecutions in the same way as it deals with any criminal matter, several things happen. I reiterate the advice that has been given in recent years to most people who have headed the criminal law review division by either the current director general or the former director general of the Department of Attorney General and Justice—I am not sure which—that the best response from governments of the day to calls for the introduction of new legislation in the criminal justice system is not to introduce any legislation, because when the legislature intrudes—as it does in the criminal justice system so often usually for political reasons—something goes wrong. This is an example of something going wrong.

This legislation has introduced problems that are being litigated and are currently pending before the Court of Appeal, such as in the *Empire Waste* case, and it is hindering something like 150 pending cases that are caught between the former legislation and the Work Health and Safety Act. Another issue is that the District Court is set up either to resolve disputes in the form of civil litigation between parties or, alternatively, to deal with criminal prosecutions in its criminal jurisdiction for cases introduced by either the Attorney General or the Director of Public Prosecutions. The rules of the court are predicated upon the District Court Act as well as the Criminal Procedure Act and other legislation. The District Court is not set up to have a mammoth summary jurisdiction foisted on it. Judges are not being replaced and there is a shortage of resources. As that empire has increased over the years—empire is probably a good description bearing in mind some of those involved with the District Court—the resources have not kept up. It is not the appropriate jurisdiction to deal with summary prosecutions of matters relating to work health and safety.

The House dealt with some sentencing legislation last week. In a variety of cases where the court sentences people for criminal offences, not only does it make determinations about the specific offence but it makes determinations about the objective seriousness of offences across the entire criminal spectrum, from the most serious criminal offence to offences that may not be as serious. I fear that in the case of prosecutions by WorkCover heard in the summary jurisdiction of the District Court, some of the acts for which people are criminally liable may not be dealt with with the seriousness that they may otherwise be dealt with if the matter was determined before the Industrial Relations Commission.

Whilst the Opposition does not oppose most of the bill, it expresses the strongest opposition to the Government's decision to legislate to remove the jurisdiction from the Industrial Relations Commission—the one jurisdiction that is experienced in dealing with matters relating to employers and employees—and give it to the District Court. In respect of repairing those matters raised by the member for Castle Hill, the Opposition understands that but it is concerned about the appropriate jurisdiction to deal with these criminal prosecutions.

**Mr DAVID ELLIOTT** (Baulkham Hills) [5.35 p.m.]: I speak in support of the Work Health and Safety Amendment Bill 2013. The bill deals with minor issues which have arisen in the process of transition from the former Occupational Health and Safety Act 2001 to the Work Health and Safety Act 2011. The new work health and safety laws commenced in New South Wales on 1 January 2012. I take this opportunity to remind members of the considerable achievements of the Government in the passage and implementation of the new work health and safety laws.

It is interesting when one looks at occupational health and safety legislation from the two sides of the political divide in New South Wales because on this side of the House Coalition members believe that workplace health and safety laws need to be fair, just and balanced for both sides; there should be a balance between the need for workplace employees to receive fairness and assistance when they are injured and the need for employers to provide a safe place for their employees to work. However, the other side of the House uses occupational health and safety laws as fundraising opportunities. They use the laws to ensure that the unions are rewarded whenever there is a presumption that something bad has happened in a workplace—they talk it up and they immediately lay blame, rewarding the unions regardless of where the blame lies.

The first time I had anything to do with occupational health and safety laws was in my previous capacity as the chief executive of the Civil Contractors Federation. In 2008 or 2009 I went to see the then Minister, Ian Macdonald, and explained to him that some of the mining legislation was very much biased against the employer. I was quite surprised how sympathetic Mr Macdonald was towards the employers in relation to occupational health and safety. Now I realise that was because he was halfway towards the acquisition of his own mine. He realised that this legislation, as onerous on the employee as it was, was going to have an effect on that grubby little corrupt deal that he was on the way to making with his friend Eddie Obeid.

But I digress. These laws enhance productivity and reduce compliance costs for businesses working in more than one jurisdiction, making it easier to do business in New South Wales—and that is a good thing. The New South Wales Government took the lead with these historic changes. New South Wales was one of the first States in Australia to pass the harmonised laws. This once-in-a-generation change repairs a convoluted system of legislation by introducing a simplified set of laws. The harmonisation of work health and safety laws reduces compliance and red tape for employers while maintaining a strong work health and safety framework. These changes follow the Government's action in 2011 to remove unfair provisions, which were contrary to accepted criminal law procedures, such as—as the member for Heffron well knows—the reverse onus of proof.

The Government took the initiative to amend the former Occupational Health and Safety Act, with effect from 7 June 2011, to remove the reverse onus of proof. The significant change was made in advance of the commencement of the national model Work Health and Safety Act because the Government considered it to be a priority to implement law reform as soon as possible. The transfer of jurisdiction for Work Health and Safety Act prosecutions and the remaining Occupational Health and Safety Act prosecutions from the Industrial Court to the District Court was also an integral part of the Government's reforms. The bill before the House rectifies technical issues that arose from the transition process. The bill supports the Government's policy of ensuring that work health and safety prosecutions are dealt with by the mainstream courts.

The challenges to the Work Health and Safety laws affect more than 70 WorkCover and Department of Primary Industries work health and safety prosecutions. The District Court has not been able to progress these matters since the challenge. Some of these prosecutions follow very serious incidents that have led to workplace deaths and serious injuries. Of course, the Government makes no comment on matters before the court, and the court has not yet determined whether work health and safety breaches occurred. However, injured workers, the families of deceased workers, and defendants to prosecutions face uncertainty until the technical issues raised in these challenges are resolved. It is in the public interest for these matters to be heard by the District Court as soon as possible.

The Work Health and Safety Amendment Bill 2013 contains three principal amendments that have come about as a result of recent legal challenges regarding the transition from the former Occupational Health and Safety Act 2001 to the Work Health and Safety Act 2011. The purpose of these minor amendments is to provide

clarity to those involved in occupational health and safety disputes and to close the unintentional loopholes that have recently been exploited in court proceedings. First, the bill clarifies the jurisdictional competence of the District Court and the Local Court to hear prosecutions under the previous Occupational Health and Safety Act. This jurisdiction of the District Court has recently been challenged on technical grounds by defendants in such prosecutions. The bill puts beyond doubt that the District Court has the jurisdiction to hear such prosecutions and, for added clarity, states specifically that the District Court has had jurisdiction since 1 January 2012.

Secondly, the bill makes clear that a legal practitioner may sign an initiating process on behalf of a prosecutor. This addresses another technical argument concerning the filing of prosecutions. These filings have also been validated from 1 January 2012. The bill addresses a final technical legal argument that the Work Health and Safety Regulation 2011 may be invalid. The bill confirms that this regulation is in fact a valid enactment. These are minor amendments that will be of little consequence to most proceedings regarding occupational health and safety disputes. However, the bill does address a number of important technical disputes and will provide greater certainty to all involved in such proceedings. Importantly, the bill closes unintentional loopholes that could potentially be exploited.

Many of the prosecutions that will be affected by the bill concern workers who have been severely injured, or even killed. The bill will prevent defendants from escaping prosecution based on a legal technicality. Such a miscarriage of justice would understandably undermine public confidence in the work health and safety legislation. In particular, the impact on workers and their families of allowing defendants to avoid prosecution would be very significant. There is no way that the Government could stand idly by and let our judicial system be abused by such technicalities. This bill will address those concerns and will eliminate the technical loopholes that are potentially developing. This bill is a good example of how a precise yet minor legislative amendment can be used to assist the effective administration of justice.

The bill does not alter in any way the Government's policy towards work health and safety. The Government has always been committed to its current policy that Occupational Health and Safety Act matters, as criminal offences, should be heard primarily by the District Court. The bill merely implements this policy position and will prevent defendants from escaping liability on an unjust legal technicality. I commend the bill to the House.

*[Business interrupted.]*

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Divisions and Quorums**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.44 p.m.]: I move:

That standing and sessional orders be suspended to provide that until the rising of the House no divisions be conducted or quorums be called.

I apologise to members for interrupting debate on the Work Health and Safety Amendment Bill 2013, but they should be informed of the Government's intentions. We intend to proceed to the conclusion of the Work Health and Safety Amendment Bill 2013. Although I note that the Opposition may oppose the bill—apparently it intends to move amendments in the upper House—I am not expecting the necessity for a division on the bill in this place. The Government would like to deal with two other bills: the Adoption Legislation Amendment (Overseas Adoption) Bill 2013 and the Industrial Relations Amendment (Industrial Court) Bill 2013. In this case it is appropriate to suspend standing and sessional orders to preclude there being any quorums and divisions as of now.

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

**Motion agreed to.**

## **WORK HEALTH AND SAFETY AMENDMENT BILL 2013**

### **Second Reading**

*[Business resumed.]*

**Mr CLAYTON BARR** (Cessnock) [5.45 p.m.]: The overview of the Work Health and Safety Amendment Bill 2013 has already been read into *Hansard* by several members, and I encourage those who are

interested to examine that if it is within their purview. In particular, the member for Davidson gave a fantastic word-by-word account of the overview of the bill. In essence, Opposition members have highlighted some technical issues in the bill with which the Labor Party agrees, such as a legal practitioner signing off on the process that is about to take place. That is simply a technical issue that needs to be tidied up. However, the Opposition is concerned about the ability for industrial relations matters to be heard in the District Court and the Local Court.

Previous speakers, who have a legal background, have shown their considerable, in-depth understanding of the court process. I do not and I will not pretend to have the same understanding. However, I will try to interpret the bill in terms I understand and put that into words so people interested in reading *Hansard* or following their faith may understand also. I come from a teaching background. Teachers have a range of skills that can be transferred. For example, it would not be unreasonable at times for a geography teacher to teach history, a physical education teacher to teach maths or an agriculture teacher to teach science. Certainly, there are some common and crossover skills among teachers. As for industrial relations matters being heard in the District Court or the Local Court, I liken that to a music teacher being asked to teach geography.

Certainly, if the outcome for students is of paramount importance and we want them to achieve the best results, with experts who completely understand the field, we would never allow a music teacher to teach geography. We would ensure that music was taught by a music teacher and geography was taught by a geography teacher. To that end, I argue that this bill is about the cheapest option for the State, not the best option. That is why I oppose the bill. If we are genuine about wanting the best possible work health and safety outcomes—and we should be because people are entitled to travel to work and home safely—we must recognise that there will be accidents in a workplace, but we need to be mindful of whether an accident is caused by neglect or is simply a freak accident.

There are instances when either of those outcomes may be the cause of the problem. But this bill is purely and simply about the cheapest option for the State of New South Wales and not the best option for the workers of New South Wales. The unfortunate reality is that there are problems in the court system at the moment, with matters currently before the courts, and the purpose of this amendment is to clean up and tidy up legislation that was introduced two years ago. Members opposite want to lay blame and say that by opposing that legislation the Opposition is now part of the problem. Of course, we say that if the Government's original bill had been drafted correctly it would not have contained those loopholes or problems, and we would not have to address the issues that are before us now. Opposition members are concerned about matters being heard in the district and local courts rather than by industrial relations specialists. I look forward to the bill being amended in the Legislative Council.

**Mr MATT KEAN** (Hornsby) [5.50 p.m.]: I point out for the benefit of the member for Cessnock that the Work Health and Safety Amendment Bill 2013 does not represent a change in government policy; it simply seeks to clarify some provisions made under the Work Health and Safety Act, which received assent in 2011. I remind those opposite who oppose the legislation that they could have debated this policy 12 months ago. This bill seeks only to give effect to the Government's policy of conferring jurisdiction on the District Court in occupational health and safety prosecutions, and to address other technical issues. The member for Heffron gave the House a history lesson on the Australian Labor Party.

**Mr Andrew Gee:** Lord Hoenig.

**Mr MATT KEAN:** I acknowledge the interjection from the member for Orange. The member for Heffron gave a history lesson about the role of the Labor Party in standing up for workers' rights. I place on the public record my respect for the role that the Labor Party has played in protecting the important rights of workers. This legislation will not undermine workers' rights. In fact, the rights and safety of workers in New South Wales should be close to all our hearts. This bill seeks to protect workers' rights and to strike the right balance between the rights of workers and the rights of businesses to thrive, create jobs and make this State a better place. That is what this bill seeks to do, and these amendments clarify that position.

The original bill sought to ensure that businesses would benefit from a national system through reduced complexity and red tape. That bill, which was passed in 2011, was the result of harmonisation of national legislation introduced by the former Federal Labor Government. If Opposition members find this policy so objectionable why did they not speak up at the time to their Federal Labor parliamentary colleagues, particularly Prime Minister Julia Gillard? She sought to reduce red tape and make it easier for businesses to operate in New South Wales by standardising workplace and safety laws across the Commonwealth, for which I commend her.

That is exactly what this Government did also. Employers will benefit from greater certainty and a simplified legislative system. Workers will benefit from the enhanced protection provided by modernised laws and rights that are easier to understand and apply. For example, the bill recognises the changing face of the workplace and does not rely on the traditional concepts of employer and employee.

I put on record the purpose of the amendments. The objects of the bill are to include in the Work Health and Safety Act 2011 provisions of the regulations under that Act that establish savings and transitional arrangements relating to proceedings for offences under the Occupational Health and Safety Act 2000 alleged to have been committed before the repeal of that Act. The bill also makes it clear that proceedings for an offence against the Work Health and Safety Act 2011 or the Occupational Health and Safety Act 2000 may be brought and prosecuted by an Australian legal practitioner who represents a person authorised to bring the proceedings. I note the member for Cessnock supports that provision. I respectfully disagree with his assertion that the amendments are not the best options for workers. I think they are good options for workers and businesses that strike the right balance in our industrial system.

The bill puts beyond doubt the validity of acts or omissions under provisions transferred from the regulations and of prosecutions by legal practitioners acting on behalf of authorised prosecutors. It clarifies that restrictions on the power to make savings and transitional regulations under the Work Health and Safety Act 2011 that deem provisions of that Act to be amended did not apply to certain provisions of the regulations. Finally, the bill permits proceedings for offences under the Occupational Health and Safety Act 2000 to be recommenced if the original proceedings were terminated for invalidity but would have been validated by this bill, even if the time for commencing those proceedings has expired. The Workplace Health and Safety Act 2011 gives effect to a nationally harmonised scheme for work health and safety legislation, which has been implemented across most Australian jurisdictions. Upon its commencement in January 2012, the Work Health and Safety Act 2011 repealed and replaced the previous Occupational Health and Safety Act 2000.

There are recent legal challenges to that legislation. I note that *Empire Waste Pty Ltd and Dean Baldwin v District Court of NSW and Inspector Steven Brock* and *Australian Native Landscapes Pty Ltd v Inspector Nathan McDonald and District Court of NSW* sought to challenge the jurisdiction of the District Court. The bill addresses the issues raised in those appeal proceedings for the purposes of clarity and avoidance of doubt. I do not wish to comment on or to prejudge court proceedings. However, it is important that injured workers and their families who face uncertainty because of the challenges to the legislation have those technical issues resolved, which is what these amendments seek to do. The intent of the bill is to clarify the initial legislative intent of the Act. The current challenges on foot are largely based on unintended technical grounds. For the benefit of my friend the member for Cessnock, and the member for Heffron, I reiterate that this bill is not a change in policy; it merely deals with minor technical amendments to clarify the intent of the legislation to give certainty to injured workers and their families. That is what this Government wants. It wants certainty in workplaces and to ensure a level playing field, where employers and employees know the rules, know they will get a fair deal, and know their rights and safety will be protected.

**Mr Nick Lalich:** WorkChoices.

**Mr MATT KEAN:** I note the interjection from the member for Cabramatta, and his call to bring back WorkChoices. But that is not what this Government wants: This Government wants to make minor technical amendments to clarify legislation that was enacted in 2011. There is no need for the member for Cabramatta to hyperventilate, gnash his teeth or beat his breast, because these are minor, technical, innocuous amendments that provide certainty for those who need it most. The bill does not affect the substantive issues being considered in the court proceedings. The Government's policy position that previous occupational health and safety matters, as criminal offences, should be heard primarily by a District Court has always been clear; it was clear in the original Act.

The bill gives effect to that policy intention and prevents defendants from escaping liability on a legal technicality. I reiterate the importance of members opposite supporting the bill, given the public interest consideration at play. Many of the prosecutions concern workers who have been severely injured or even killed and their families follow the progress of work health and safety prosecutions very closely. I urge the member for Cabramatta and the member for Liverpool, who are in the Chamber, to take the bill seriously and not to get worked up about what is an innocuous and technical amendment to the Act.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [6.00 p.m.], on behalf of Mr Andrew Constance, in reply: On behalf of the Minister for Finance and Services, I thank members representing the

electorates of Davidson, Castle Hill, Baulkham Hills, Hornsby, Cessnock, Fairfield, Heffron and Maroubra for their contributions to debate on the Work Health and Safety Amendment Bill 2013. I take this opportunity to reiterate that the bill only corrects technical defects in occupational health and safety prosecutions. The object of the bill is to give greater certainty to the families of deceased workers, injured workers and their families, and defendants to occupational health and safety prosecutions. The minor issues addressed by the bill do not detract from the achievements of the Government in introducing and implementing the Work Health and Safety Act 2011.

The introduction of the model work health and safety laws in New South Wales, as part of the harmonised national work health and safety framework, has led to substantial benefits to employers, workers and others in the workplace. The bill will overcome technical defects that have impeded the ability of the courts to determine occupational health and safety prosecutions. The bill does not create any new policy. The bill does not interfere with the powers of the courts to determine substantive issues in the prosecutions and allows the courts to determine prosecutions for serious breaches of the Occupational Health and Safety Act on their merits. 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 Geoff Provest, on behalf of Mr Andrew Constance, 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.**

## **ADOPTION LEGISLATION AMENDMENT (OVERSEAS ADOPTION) BILL 2013**

### **Second Reading**

**Debate resumed from 16 October 2013.**

**Mr PAUL LYNCH** (Liverpool) [6.03 p.m.]: I lead for the Opposition in debate on the Adoption Legislation Amendment (Overseas Adoption) Bill 2013. The Opposition does not oppose the bill. Curiously, I think the policy matters underlying this legislation are probably better dealt with in another portfolio but they come to this portfolio because of the Registry of Births, Deaths and Marriages and the registrar. I note that the member for Canterbury has an interest in the policy issues behind this bill, and indeed has spoken to a number of people who will be directly affected by it. The object of the bill is to allow residents of this State who adopt a child overseas to have that adoption registered in New South Wales and to have a post-adoption birth certificate issued for the adopted child. This is provided that the adoption is recognised under New South Wales laws and was arranged by the New South Wales Department of Family and Community Services.

The mechanism will be that the Director General of the Department of Family and Community Services will notify the Registrar of Births, Deaths and Marriages of the details of the adoption and the registrar will then be required to register the adoption and issue a post-adoption birth certificate. There is also a mechanism to allow this to occur for adoptions occurring prior to the commencement of the amendments. However, this will require a written request from the adoptive parents or, where the child is aged over 18, from the adopted child himself or herself. This extends the current system, which allows the issuing of post-adoption certificates for children adopted from overseas only if the adoption was finalised in New South Wales. Documents that are currently issued in some cases referred to the abandonment of the child being adopted. The embarrassment, and perhaps anguish, resulting from that language can only be imagined. The change envisaged to the law by this bill is comparatively minor but will undoubtedly mean a great deal to those impacted by it. The Opposition does not oppose the bill.

**Mr KEVIN CONOLLY** (Riverstone) [6.05 p.m.]: It is with much pleasure that I speak to the Adoption Legislation Amendment (Overseas Adoption) Bill 2013. As the member for Liverpool stated, the bill

may impact directly on only relatively few people but that impact will be overwhelmingly positive and it is pleasing that the Government has introduced the legislation. The bill addresses what will be described as an anomaly in the system created by the fact that some adoptions from overseas are concluded in such a way as to currently not give the child a birth certificate in New South Wales. A birth certificate is a key proof-of-identity document in today's society for adults and for children. We use it forever. We constantly have to identify ourselves in all sorts of contexts. To have a document stating that one is abandoned would cause enormous difficulties for an individual and we should not allow the situation to continue if there is an easy way to address the problem.

Typically, in New South Wales a child who is adopted is issued with an amended or post-adoption birth certificate after the adoption. This certificate records the child's birth details and legal parents in a single document. However, it does not state whether the child's parents are adoptive or biological. Children from overseas who are adopted by New South Wales residents are also entitled to a post-adoption birth certificate if their adoption is finalised in the New South Wales Supreme Court. However, if the overseas country requires the adoption to be finalised in its jurisdiction—as China does—the child is not entitled to a New South Wales post-adoption birth certificate. Although the adoption is recognised by the Adoption Act 2000, it is not registered in New South Wales and currently no birth certificate can be issued.

These adopted children must therefore rely on identity and adoption papers from their country of origin. For many children in China, these documents state that the child was abandoned and it can be distressing and embarrassing for those children to have to produce them throughout their lives to prove their identity. This bill seeks to address this situation by providing for the registration of certain overseas adoptions by New South Wales residents and the subsequent issue of a birth certificate for those adopted children. I note that the adoption must be arranged by Family and Community Services and recognised by New South Wales law. It will provide these children with a local document that affirms their identity and their relationship to their parents. In this respect, it places them on an equal footing with all other adopted children in New South Wales. This is a sensible, practical and compassionate outcome.

I believe adoption more generally is a valuable service. It demonstrates enormous generosity on the part of people who become adoptive parents. It gives the gift of family to someone who otherwise would not have a family—something that we all take for granted. One can only imagine what it would be like to be without a family. There are sensitive issues surrounding adoption, including how to explain it to a child, how they deal with it growing up and how they explain it other people. We understand the vulnerability in having to make that explanation in some contexts. That may be unavoidable but the law does not need to make it worse, and any unnecessarily anomalies involving the place of origin of an adopted child should not contribute to further distress. I commend the Attorney General and the Minister for Family and Community Services for this practical outcome, which was raised with them by adoptive parents and, I understand, a Federal Parliament committee investigating the issue. I support the Minister in her broader direction to make adoption more readily available for the thousands of children in out-of-home care who may perhaps benefit most from being adopted.

While that is beyond the scope of this bill, which has a more limited scope, I place on record my support for an option that will make adoption more readily available and accessible to those who will benefit most. Obviously checks and balances are required. It is distressing to think that so many children who are fostered or cared for out of their own homes would benefit from adoption but do not have that option because the process is incredibly difficult to conclude. Recently a foster parent visited my office and explained the difficulties she had encountered when attempting to adopt a child that she had fostered for 2½ years. He was 11 months old when he first came into her care. The natural parents agreed that the child would not return to them but the bureaucracy of driving towards an adoption is protracted and difficult. I commend all the efforts that the Minister is making to resolve those difficulties in the interests of children. This bill is a small but sensible step forward. It does not deal with the wider issues I have been canvassing but it deals directly with a specific problem faced by children in overseas adoptions. It is an issue that the New South Wales Parliament can readily resolve and I am pleased that today we are resolving it. I commend the bill to the House.

**Ms LINDA BURNEY** (Canterbury) [6.10 p.m.]: In speaking to the Adoption Legislation Amendment (Overseas Adoption) Bill 2013 I join my colleague the member for Liverpool and those opposite in supporting this bill. I commend the Attorney General for taking decisive action in relation to this matter. The historical background has been well canvassed by other speakers so I will not prolong the debate by repeating it. Clearly this might seem like an easy and small thing to do and members might ask why it has not happened already, but the Attorney General and I know some of the reasons for it.

I place on record that this issue was brought to my attention by Jo Ellem, the mother of an adopted child from China. I was not aware of this issue until I met with Jo. Ms Ellem is a constituent of the Attorney General and has met with the Attorney General, with me and with the Minister for Family and Community Services. All members would agree that Ms Ellem is articulate when speaking on behalf of her daughter, who she felt was being discriminated against. Potentially her daughter will experience enormous embarrassment and have trouble obtaining some of the documents that we would think of as normal for a child in Australia. The reason for that is that the certificate from China is a certificate of abandonment. These are practical issues.

The other thing Ms Ellem, as a mother, is concerned about is that as her little girl, Cai, grows up the lack of a birth certificate could cause her some angst and sadness. That was one of the motivating factors that caused Jo Ellem to pursue this issue. I place that on the record as it is important to add a human dimension to this debate. Approximately 800 children in Australia are in the same situation. Previous speakers have made the point that this bill brings New South Wales into line with most other jurisdictions across Australia. I will not make a protracted speech. I support the bill. It is a practical bill that means so much to parents and children who find themselves in this situation, in particular, Jo Ellem's daughter, Cai.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [6.14 p.m.]: I support the Adoption Legislation Amendment (Overseas Adoption) Bill 2013. The object of the bill is to enable New South Wales residents who adopt a child overseas to have that adoption registered and to have a post-adoption birth certificate issued for the adopted child, provided the adoption is recognised under New South Wales law and was arranged by the Department of Family and Community Services. The foreign countries in which adoptions are recognised are countries that are party to the Hague Convention on Intercountry Adoption and countries prescribed under Commonwealth regulations providing for inter-country adoption bilateral arrangements.

Adopted children from overseas can be issued with a post-adoption birth certificate as long as the adoption is finalised in New South Wales. However, children whose adoptions are organised by the Department of Family and Community Services but completed overseas are not eligible for a New South Wales birth certificate. Whilst such adoptions might be recognised under the Adoption Act 2000 the Supreme Court does not make any orders in relation to the adoption and the Registry of Births, Deaths and Marriages has no trigger for registering the adoption. This means that the registry cannot issue a post-adoption birth certificate that records the child's birth details and his or her legal parents in the one document.

Not being able to obtain a New South Wales post-adoption birth certificate has created particular difficulties for children adopted from China whose identity and adoption documents usually refer to the child's abandonment. Being required to produce these papers for enrolment in school or sport or for a job application could be embarrassing and infringes on the child's right to privacy and non-discrimination. This bill seeks to address concerns relating to this issue by providing that an inter-country adoption by New South Wales residents can be registered by the Registry of Births, Deaths and Marriages and a post-adoption certificate can be issued for the adopted child, provided the adoption was arranged by the Department of Family and Community Services and is recognised by New South Wales law.

Many adoptive parents have written to members of Parliament to highlight the difficulties that this legislation creates for children, in particular, children adopted from China who are issued with abandonment certificates rather than birth certificates. To have to produce this paperwork for enrolment in school, job applications, to open bank accounts or get a driver licence is a humiliating experience that breaches the child's privacy. Adoptive parents have reported that it may lead to discrimination as people in the Chinese community believe that abandoned children bring bad luck. Those difficulties were highlighted also in submissions to the Commonwealth House of Representatives Standing Committee on Family and Human Services when it inquired into the adoption of children from overseas. That inquiry recommended that States and Territories amend their legislation for the registration of births so that adoptions completed overseas and recognised by Australian law can be registered and lead to the issue of a birth certificate. I commend the Attorney General for introducing this bill.

The member for Canterbury asked why this bill was not introduced years ago. As the member for Liverpool would agree, it was because we had 16 years of Labor, so naturally it was not introduced. For 16 years Labor conned the people of New South Wales and said whatever it took to win office and stay in office. It was straight out of the Graham Richardson handbook. It is in Labor's DNA. Nothing changed during the Miranda by-election. The Minister's second reading speech highlighted the fact that the current situation creates difficulties for some children who are adopted from overseas.



As I said, they feel they are being discriminated against and that is why they have lobbied their local members. The Minister noted that that can cause embarrassment for adoptees, and that is why the legislation has been introduced. The Department of Family and Community Services will automatically notify the Registry of Births, Deaths and Marriages of adoptions that occur after the legislation has been enacted. The adoptive parents or an adoptive adult will need to request the Department of Family and Community Services to notify the registry of an adoption that occurred prior to the enactment of the legislation. Once the department has registered the adoption, it will be able to issue the child with a post-adoption birth certificate. I commend the bill to the House.

**Mr ANDREW ROHAN** (Smithfield) [6.21 p.m.]: I support this important legislation, which will improve the adoption process for many families in New South Wales. The Adoption Legislation Amendment (Overseas Adoption) Bill 2013 will enable New South Wales residents who adopt a child overseas to have that adoption registered in New South Wales and to have a post-adoption certificate issued for their child. This is a great step forward for adoptive parents, most of whom have been longing for a child to call their own and who have gone to tremendous lengths to make the child part of their family from the very start. I commend the Attorney General for introducing this sensible and overdue bill.

Adoption is not an easy process, be it adopting in Australia or internationally. Adoptive parents face challenges with the paperwork that must be completed, but it is not only the bureaucratic system that soon-to-be adoptive parents face. They must also manage the emotions and the responsibilities that come with being new parents. The New South Wales Supreme Court now makes adoption orders, which must be registered by the Registry of Births, Deaths and Marriages. Once the adoption is registered, the registry may issue a post-adoption birth certificate for the child. The certificate combines details of the child's birth and his or her legal adoptive parents in a single document.

Most of us probably do not realise the importance of having a birth certificate: Knowing the identity of our biological parents. That information is crucial because it gives children comfort and a sense of security. It gives them a sense of belonging to know where and when they were born. The piece of paper that we call a birth certificate—which many of us are lucky to have—is evidence of our existence. Not being able to obtain a post-adoption birth certificate has created particular difficulties for children adopted from China, whose identity and adoption documents usually refer to the child's abandonment. As I said, the sense of belonging and being wanted is acutely felt by children who have been given up for adoption. In future, as these children grow up and become part of the community, having to produce such papers to enrol in school, to participate in sport, or to gain a job can cause discomfort and could affect them mentally and emotionally.

This bill no doubt will be welcomed by those families whose adoption was arranged by the Department of Family and Community Services. It seeks to address concerns by providing that inter-country adoptions undertaken by New South Wales residents can be registered with the Registry of Births, Deaths and Marriages, which can issue a post-adoption certificate for the adopted child if the adoption was arranged by the Department of Family and Community Services and is recognised under New South Wales law. Furthermore, and importantly, the registration and provision of a post-adoption certificate applies to adoptions granted before the commencement of proposed section 130A if a written request for the record is made to the director general. Adopted children who have had no real sense of identity will now have their adoption recorded by the registry and a post-adoption birth certificate issued.

Some countries involved in Australia's inter-country adoption program require that adoption be finalised in their jurisdiction. In those cases, the Supreme Court neither orders nor declares the validity of the adoption. As a result, the Registry of Births, Deaths and Marriages has no trigger for registration and the adopted child is not entitled to a post-adoption birth certificate, even if the adoption was arranged by the Department of Family and Community Services and is recognised under the Adoption Act 2000. This bill seeks to remedy that anomaly and enable the adopted child to obtain a legal identity, which gradually develops into a sense of personal identity and dignity. I commend the bill to the House.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [6.25 p.m.], in reply: I thank the members representing the electorates of Liverpool, Riverstone, Canterbury, Myall Lakes and Smithfield for their contributions to debate on the Adoption Legislation Amendment (Overseas Adoption) Bill 2013. I particularly thank the member for Canterbury, who took a bipartisan and sympathetic approach to this legislation. I take that as a compliment because she is a former Minister for Community Services and she has probably had to grapple with the same issues. It took time to generate the momentum to introduce this bill, but it is the right and just thing to do. I also thank the member for Liverpool for his support for the bill and for his gracious contribution to the debate.

Childless couples often suffer for years craving a child, and because it is extremely difficult to find a child to adopt in this country they search the world. Some countries have many children whose parents are dead and in some cases children who have been abandoned. This bill makes amendments to the Births, Deaths and Marriages Registration Act 1995 and the Adoption Act 2000 to provide that children whose adoption is arranged by the Department of Family and Community Services but finalised abroad will be eligible to obtain a New South Wales birth certificate. This will place children adopted from China and several other countries on the same footing as children adopted in New South Wales. That is fair and just. After all, the children themselves are not responsible for the circumstances of their birth or their adoption. They are entitled to have a full and dignified life and to be treated in the same way as anyone else. I thank my colleagues the members representing the electorates of Riverstone, Myall Lakes and Smithfield for their supportive comments. 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.**

## **INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL COURT) BILL 2013**

### **Second Reading**

**Debate resumed from 16 October 2013.**

**Mr PAUL LYNCH** (Liverpool) [6.29 p.m.]: I lead for the Opposition in debate on the Industrial Relations Amendment (Industrial Court) Bill 2013. The Opposition does not oppose the bill but reserves its right to move amendments in the other place, especially in relation to various technical matters. That is likely because the text of the bill was not shared with either the Industrial Relations Commission or the Bar Association before its introduction in this place, although apparently it was shared with the Supreme Court. My colleague in the other place Adam Searle, shadow Minister for Industrial Relations, will make some comments relating to the bill.

The gestation of this bill is to be found in this Government's running down of the jurisdiction of the Industrial Relations Commission. A preferable course to this bill would have been at an earlier stage to rebuild the court's jurisdiction. The State Opposition made some sensible suggestions along those lines. Regrettably, they were ignored by this Government that seems to have a pathological aversion to the Industrial Relations Commission and the sensible work that it has done over many years. The fact that it has not been a cat's paw for employers but an independent tribunal seems to have outraged the Government. The objects of the bill are to amend primarily the Industrial Relations Act, the Supreme Court Act and the Criminal Appeal Act. For the first of these Acts, the amendments are:

- (i) to provide for the Industrial Relations Commission in Court Session (also called the *Industrial Court*) to be constituted only by a single judicial member and not by a Full Bench; and
- (ii) to provide for the various existing functions of such full benches to be distributed between the supreme court, the industrial court constituted by a single judicial members and the industrial relations commission (other than in court session); and
- (iii) to enable certain judges of the Supreme Court to act as judicial members of the Industrial Court ...

For the Supreme Court Act, the amendments are:

- (i) to enable judicial members of the Industrial Court to act as Judges of the Supreme Court; and
- (ii) to limit proceedings that are assigned to the Court of Appeal on appeals from, or for the judicial review of, decisions of the Industrial Relations Commission to those involving decisions of the Industrial Court or a judicial member ...

The objects also involve an amendment to the Criminal Appeal Act to provide for appeals to the Court of Criminal Appeal in respect of convictions for offences by the Industrial Court and for cases stated in criminal appeals before the Industrial Court. The Opposition will not oppose the bill at this stage and in this place.

**Mr JONATHAN O'DEA** (Davidson) [6.31 p.m.]: I speak in debate on the Industrial Relations Amendment (Industrial Court) Bill 2013 and welcome the fact that the Opposition does not oppose the bill. The bill was introduced by the Attorney General, which is appropriate because the Industrial Relations Commission is part of the New South Wales Department of Attorney General and Justice. The Industrial Relations Commission conciliates and arbitrates to resolve industrial disputes, sets conditions of employment and fixes wages and salaries by making industrial awards, approves enterprise agreements and decides claims of unfair dismissal.

The Industrial Relations Commission was established with conciliation and arbitration functions under the Industrial Relations Act 1996. Section 3 of the Act sets out its functions. The commission may be constituted as the Industrial Court of New South Wales, and in such circumstances is a court of equivalent status to the Supreme Court and is therefore a superior court of record. The role of the commission is to regulate industrial affairs in the State. Depending on the issue, the commission can exercise both a civil and a criminal jurisdiction. In its civil jurisdiction, it has an administrative role as the Industrial Relations Commission. In its criminal jurisdiction, it has a traditional role as the Industrial Court of New South Wales. Its jurisdiction extends across both areas. It seeks to conduct its proceedings in a non-technical and expeditious manner.

It is clear that over the past decade there have been significant changes to industrial relations in New South Wales. One can refer not just to the introduction of WorkChoices legislation in 2006 but also to the subsequent referral of industrial powers to the Commonwealth by various State governments in 2009. That resulted in the transfer of almost all private sector workers to the Federal industrial relations system. Consistent with that, the commission has experienced a significant decline in workload. In particular between 2003 and 2011 the number of matters received by the commission dropped by around 50 per cent. As the Attorney General pointed out in his second reading speech, the effect on the commission in court session, otherwise known as the Industrial Court, was even more pronounced with the Industrial Court workload dropping by some 70 per cent. As a result of the changed workload, one would expect an adjustment in the allocated resources. The President of the Industrial Relations Commission, the Hon. Justice Boland, advised the Attorney General that there would not be enough judicial work to justify the existing workforce. He suggested there would be enough work for only one industrial judge by the end of 2013. It seems the workload may be a little higher than that at the moment, so a degree of flexibility is allowed in this legislation.

Turning to workload statistics, there has been a lack of proper information in some quarters. I will clarify the reduced workloads. It is incorrect to say that the transfer of work health and safety prosecutions to the District Court, which was the subject of earlier legislation in this place, is the primary cause of the Industrial Court's current low workload. Filings in the Industrial Court have been declining year on year since 2003, with the exception of some minor increases in 2008 and 2011. Overall those filings dropped by more than 50 per cent following the introduction of WorkChoices at the Federal level and by a further 19 per cent after industrial relations powers were referred by the State Government to the Commonwealth in 2009. While the transfer of work health and safety prosecutions from the Industrial Court appears to have caused a significant decline in workload, this is because very little of the work remained by the time the Work Health and Safety Act 2011 commenced.

To say that the removal of work health and safety prosecutions is the primary cause of the Industrial Court's workload does not acknowledge that such prosecutions represented only about 20 per cent of the Industrial Court's workload prior to 2006. Similarly, while the number of Industrial Court judges declined proportionately with the Industrial Court's workload between 2009 and 2011, the decline in judicial membership is not proportionate when all the years from 2003 are taken into account. In 2003, 10 judges were available to hear 930 matters. Even somebody not talented in maths could work out that that is 93 matters per judge. I note that the member for Cabramatta came to that conclusion very quickly, but the next one will test him. By 2009, nine judges were available to hear 251 matters.

**Mr Adam Marshall:** Twenty-eight.

**Mr JONATHAN O'DEA:** We had a very educated calculation of 28 from behind me and the member for Cabramatta was silent. It works out at 27.9 matters per judge. It was only until 2009 that judicial membership contracted at a proportionate rate to declining workload. Clarification may be sought on other

issues, and I note that speakers after me will address some of these issues. These include: Does the bill abolish the Industrial Court? Does the Government intend to abolish the Industrial Relations Commission? Is this bill an attack on the independence of the Industrial Relations Commission? Will any employees lose their jobs? What is happening to police dismissal matters? What about judicial exchange provisions? Did the Government induce the judges to retire? These are all speculative arguments that may have been raised in certain quarters and may be addressed by subsequent speakers.

In conclusion, I commend the Attorney General for introducing this sensible legislation. The people of New South Wales rightly expect that all arms of Government will deliver value for money in a sensible, efficient and effective way. This legislation recognises that when changes in demand on resources eventuate there should sensibly be an adjustment in those resources, as should be the case in all aspects of our society. I thank in particular the five judges who have decided to retire before reaching the mandatory age of 72—the Hon. Justice Boland, who I believe will stay on in an acting capacity, the Hon. Justice Haylen, the Hon. Justice Staff and the Hon. Justice Backman—who have given dedicated service to the Industrial Relations Commission and to the State of New South Wales. They have each made a substantial contribution to the law in our State as, indeed, each judicial officer does in his or her own way, and they ought to be commended for doing that. I commend the bill to the House.

**Mr ADAM MARSHALL** (Northern Tablelands) [6.40 p.m.]: It is with great pleasure that I make a brief contribution to the Industrial Relations Amendment (Industrial Court) Bill 2013. In doing so I commend the Attorney General for bringing forward what I believe is a very pragmatic, simple and sensible piece of legislation which addresses, as the member for Davidson quite eloquently pointed out, the falling workload of the Industrial Relations Commission and getting best value for money while not compromising the work of the commission for New South Wales taxpayers.

I want to comment on a few matters that have been raised in and outside this place about the bill and about the impact that it has on the Industrial Court and the Industrial Relations Commission. When I say that it is a very pragmatic piece of legislation I make it quite clear that that is exactly what it is; people should not read too much into it. The bill is not about abolishing the Industrial Court nor is it about abolishing the Industrial Relations Commission. This bill preserves the current structure of the Industrial Relations Commission and will ensure that the commission can continue to perform its work in an impartial and efficient manner.

The Industrial Relations Commission will be presided over by a president who is an independent judicial officer, as is currently the case. Justice Walton is an experienced judge and an experienced member of the Industrial Relations Commission. Justice Walton understands the industrial jurisdiction well and the Government is confident that he will uphold the traditions of the commission admirably. The Government appreciates and acknowledges the important role the Industrial Relations Commission plays in promoting fairness and economic stability in this State. The Industrial Relations Commission will remain a distinct and independent institution and it will continue to exercise both judicial and arbitral functions.

Another issue I wish to raise, and this was foreshadowed by my colleague the member for Davidson, is the potential concern that the Government may intend in the future, through this legislation, to abolish the Industrial Relations Commission. As I said, this bill is not about abolishing the Industrial Relations Commission but about putting the Industrial Relations Commission on a sustainable footing and ensuring that it remains a cost-effective, specialist institution in the longer term. As has been outlined by other speakers, the workload of the commission has been declining and it is simply unsustainable to retain the commission in its current format.

The Government appreciates the important role the Industrial Relations Commission plays in ensuring that industrial disputes are resolved quickly and efficiently. This bill does not in any way affect the structure of the Industrial Relations Commission or the work that it performs. Just this year the Government appointed Commissioner Newall to the Industrial Relations Commission in recognition of the fact that the commission needed additional non-judicial resources. The Government also has taken positive steps to ensure that the Industrial Relations Commission remains a distinct institution. For example, the Government did not include the Industrial Relations Commission in the list of tribunals to be consolidated into the New South Wales Civil and Administrative Tribunal.

Even the Opposition has admitted that "the contraction of judicial work has been so profound that by the end of this year the judges of the Industrial Court will effectively only have work left to them as arbitrators". In his speech to the Legislative Council on 20 March 2013, the Hon. Adam Searle, Deputy Leader of the Opposition, went so far as to call on the Government to abolish the Industrial Court. However, the Government

has determined not to do so. Instead, the Government has drafted this bill, brought forward by the Attorney General, which will ensure that the unique judicial/arbitral structure of the Industrial Relations Commission remains intact. The Government understands that this unique structure is one of the commission's great strengths. The bill will ensure that the Industrial Relations Commission can continue to conduct its business in the same way as it does now, albeit with a smaller judicial membership.

The bill is simply a practical response to the fact that the commission will have only enough work for one full-time judicial member from the beginning of next year. These amendments need to be made if the commission is going to be able to operate with a reduced judicial membership. Appointing further judges to the Industrial Relations Commission on a full-time basis is not an option, and that was very clearly outlined by the Attorney General in his second reading speech and by the member for Davidson. The Government cannot appoint more judges to the court knowing that there is no judicial work for them to do. The bill does not substantively alter the nature of the commission's work. In fact, the bill ensures that almost all functions that currently require the use of three judges will remain within the Industrial Relation Commission's remit.

As I said at the outset, I commend the Attorney General for bringing this bill forward. It is a practical and sensible response to the fact that the workload of the Industrial Relations Commission has diminished for a variety of reasons that have been covered by the Attorney General and the member for Davidson. The bill does not threaten the functions and the remit of the Industrial Relations Commission and it does not abolish the Industrial Court. The bill will ensure that the Industrial Relations Commission retains its independence and that this institution, which has developed a very high reputation, remains intact and serves the people of this State in the same very appropriate manner that it has in the past. I commend the bill to the House.

**Mr LEE EVANS** (Heathcote) [6.47 p.m.]: I commend the Attorney General for introducing the Industrial Relations Amendment (Industrial Court) Bill 2013. It has been suggested in and outside this Chamber that the bill is an attack on the independence of the Industrial Relations Commission. That is incorrect. The bill preserves the jurisdiction of the Industrial Relations Commission and it also preserves its status as a distinct and independent institution. There is no denying that the judicial workload of the commission is insufficient to occupy five full-time judges. Even the Opposition has acknowledged that it is not appropriate to maintain a situation where five judges have no work to do. I think we would all agree that it does not pass the pub test to have five senior judges sitting around doing a minimum of work.

In his address to the Legislative Council on 20 March 2013 the Deputy Leader of the Opposition stated that "the contraction of judicial work has been so profound that by the end of the year the judges of the Industrial Court will effectively only have work left to them as arbitrators". The Government has proved that it is willing to provide the Industrial Relations Commission with enough additional resources for its work levels to be justified. Just this year the Government appointed Commissioner Newall to the Industrial Relations Commission in recognition of the fact that the commission needed more non-judicial resources. However, it is clear that the judicial workload of the commission does not justify the appointment of any additional full-time judges. The amendments in this bill are therefore needed to ensure that the commission can operate with a single full-time judicial member.

The Government understands that additional resources may be needed from time to time. That is why the bill also enables the Supreme Court judges to hear first instance matters of the Industrial Court. This will ensure that judicial resources can be made available if there is an unexpected increase in workload. Acting judges will also be appointed if necessary. The Industrial Relations Commission will continue to be presided over by a president who is an independent judicial officer of Supreme Court status, as is currently the case. Justice Walton is an accomplished judicial officer and a highly experienced member of the Industrial Relations Commission.

As noted in the Minister's second reading speech, the Industrial Relations Commission has a proud history in New South Wales. For more than a century its members have played a pivotal role in promoting fairness, opportunity and economic stability in this State. The amendments contained in the bill will ensure the commission can continue to do so. The Industrial Relations Commission will still provide a seamless service to its users after the four judges retire, and it will continue to respond to industrial disputes in an efficient and effective manner. There has been some outdated information circulating about the current workload of the Industrial Relations Commission. Statements that claim that the Industrial Relations Commission has a backlog of about 1,000 cases are not correct.

More recent Industrial Relations Commission statistics show that there are only 350 pending matters before the commission at the moment. While some of these matters have not yet been finalised, they are in the

process of being heard. There have also been suggestions that the commissioners of the Industrial Relations Commission will not be able to handle 140 cases each per year. However, statistics drawn from the commission's annual reports indicate that that is highly unlikely. In 2011 the 10 commissioners completed an average of 180 matters each. In 2008 the 13 commissioners completed an average of 160 matters each. There are currently five commissioners at the Industrial Relations Commission, and I am confident that these hardworking and dedicated people will be able to manage the commission's ongoing work between them.

The Government is also confident that the Industrial Court will be able to deal with its work in an efficient manner. President Boland has advised that there will only be sufficient judicial work for one judge by the end of this year, and Justice Walton will remain at the Industrial Court to deal with that. Justice Boland will also be available as an acting judge for 12 months after he retires to help the Industrial Court deal with any unexpected increases in workload. Acting judges can also be appointed if necessary. The bill will also enable Supreme Court judges to hear particular matters in the Industrial Court, and vice versa. This will ensure that judicial resources can be used flexibly across the two courts if temporary fluctuations in workload occur.

The Government has not made any decisions about staff or other administrative issues. A number of staff will still be needed to support the commissioners of the Industrial Relations Commission, as well as Justice Walton when he becomes President and Justice Boland during his acting appointment. Once a decision is made about the exact complement of staff needed by the Industrial Relations Commission, the Government will redeploy and retrain staff as a primary measure. The Government will comply with its legal obligations throughout this process. The question has been asked about what will happen to police dismissal matters. Currently, decisions made by the commissioner to summarily dismiss a police officer are reviewed by a single judge of the Industrial Relations Commission. That judge's decision can be appealed to a bench of three judges.

These amendments remove the requirement for a judge to hear the matters at first instance. Instead, a member of the commission who has appropriate legal qualifications will be able to deal with these matters. Appeals will be heard by a specially constituted Full Bench, which must consist of a judge and two other members who are lawyers. These amendments have been made to ensure that police dismissal matters remain within the Industrial Relations Commission's jurisdiction. The Industrial Relations Commission has built up a great deal of expertise in relation to public sector dismissals, and the Government considers that it is the most appropriate forum for police matters. The Police Association and the commissioner have been consulted regarding these amendments and support the changes that are being made.

The Government has no intention of replacing the existing Industrial Court judges with judges from the Supreme Court. These amendments do not combine the functions of the Supreme Court and the Industrial Court in any way. The provisions simply enable judicial resources to be shared between the two courts if that is necessary to address short-term fluctuations in workload. Both courts will remain independent from each other. It will be up to the President of the Industrial Relations Commission as to whether the provisions are used to allow Supreme Court judges to sit in the Industrial Court. The amendments have been drafted so that the Chief Justice may only nominate a Supreme Court judge after the president makes a request.

Similarly, judges of the Industrial Court would only be able to sit in the Supreme Court if the Chief Justice made a request. Similar arrangements are already in place between the Land and Environment Court and the Supreme Court. The Government did not induce the judges to leave office. Each of the judges voluntarily decided to retire. The Government would not have accepted their retirement on any other basis. The fact that there is no longer enough work to provide the judges with full-time work is a unique situation. The judges will each receive their full entitlements of a superior court judge, including a pension calculated in accordance with the Judges' Pensions Act 1953.

However, the Government cannot disclose the details of each judge's entitlements. This would be a breach of the Privacy Act. The Government holds no ill will towards any of the judges. Indeed, the Government has invited two of the judges to stay on in public life. Justice Boland will remain at the Industrial Relations Commission as an acting judge for 12 months after his retirement to ensure that any minor fluctuations in the Industrial Court's workload can be managed. Justice Haylen will stay on as head of the Legal Services Division of the Administrative Decisions Tribunal, including after the New South Wales Civil and Administrative Tribunal commences on 1 January 2014. As I said, the Attorney General has brought this forward, and I commend him for taking the tough decisions. I commend the bill to the House.

**Mr KEVIN CONOLLY** (Riverstone) [6.57 p.m.]: I am pleased to make a brief contribution on this bill. As we all know, the industrial relations scene has changed significantly in Australia in recent years. It has

been topical and, at times, controversial but there has been significant change to the way industrial relations has been managed. It is fair to say that the conclusion we have reached, where most private sector workers are covered by the Federal Government, is probably a logical one. It is one that both sides in the end will find they can work with well. But for the Industrial Court in New South Wales it has meant that there is less industrial relations work at a State level than once there was. All sides of politics recognise that reality.

Not only is the movement of workers' coverage to the Federal scene one of the causes; the harmonisation of occupational health and safety laws and so on has also streamlined the process in a way that is creating less work of an industrial nature at the State level. So it is no surprise that the court finds itself with fewer cases coming before it, and that is a good thing. Nobody particularly encourages industrial disputes or things that will hold up workers and employers getting on with their business.

**Mr Andrew Gee:** The unions do.

**Mr KEVIN CONOLLY:** I do not think so. I think even unions will acknowledge that harmony is a good thing. Working together without disputes must be a good thing. So the impact on this court is to reduce the workload and to enable a number of the judges to retire. The Government, looking at the situation sensibly, said that there was no point in replacing them because the court's work did not warrant that. We had to find a way for the court to operate and fulfil its functions with fewer judicial officers yet meet all the specialist requirements or niche functions that it has in order for it to play a critical and useful role. I believe the Attorney General has devised a sensible and workable solution that is based on one permanent judicial officer, an acting second judicial officer for a short term, and the means within the Act to find an appeal mechanism with three judges when required in certain circumstances. That is what this Government has worked through. This is a sensible and sober bill that reflects the work of the Attorney General in solving problems across the board in a manner that ensures resources are sufficient. I commend the bill to the House.

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

## **PRIVATE MEMBERS' STATEMENTS**

### **SHELLHARBOUR ELECTORATE INFRASTRUCTURE**

**Ms ANNA WATSON** (Shellharbour) [7.00 p.m.]: I take this opportunity to briefly update the House on the latest projections for population growth in the Illawarra region as determined by the New South Wales Department of Planning and Infrastructure. Recently the department issued preliminary 2013 population projections to inform the consultations currently underway as part of the discussion paper entitled "The Illawarra over the next 20 years". It shows massive population increases to 2031 in the Shellharbour local government area. The discussion paper projections identify a population increase in the area of nearly 13,000. The department's preliminary estimates, however, show a further explosion in population to 23,200 by 2031. This is a difference of 10,300.

In comparison, the population of the Wollongong local government area, which includes the north-west part of my electorate, is anticipated to fall by nearly 2,000. The Kiama local government area also is anticipated to grow, but at a far slower rate than the Shellharbour local government area. Similarly, dwelling projections to 2031 in the Shellharbour local government area are anticipated to explode from 7,100 to nearly 12,000—an increase of nearly 5,000 dwellings. These new figures again show the need for the Government to take seriously the provision of infrastructure to my electorate.

There is a need to plan and fund the construction of the Albion Park rail bypass. The Government, after much pressure from me and my colleague the shadow Minister for Roads, did allocate some funds to a study for this much needed bypass. However, we have not yet seen the study itself, nor did we ever see the result of the \$100,000 allocated for a study in the Government's first budget. It is time for the study to be completed and publicly released. This should be the last festive season when the Princes Highway becomes a choked-up car park before we can start building the Albion Park rail bypass.

I have also spoken in the House previously about the need to fund new road access points for Dapto and West Dapto to relieve the enormous pressure on the road network in the Dapto central business district and Bong Bong Road. I note that the West Dapto access road link has been shortlisted for \$22.5 million in funding

from the \$100 million Illawarra Infrastructure Fund. I call on the Government to approve this project and get the money flowing. It will add to the \$26.5 million provided in an interest-free loan by the former New South Wales Labor Government in 2010-11 to improve the West Dapto road network. Work also needs to begin on the construction of additional on/off ramps at Fowlers, Kanahooka and Emerson roads.

In conclusion, I draw attention to the need to upgrade Shellharbour Hospital. The population projections that show exploding growth in my electorate require the Government to front load the entire planning process for the upgrade of Shellharbour Hospital into one year, not several. The Government has allocated \$10 million in the budget for the planning process, yet this year only \$3.2 million has been allocated to this task. It appears that Shellharbour and Shoalhaven hospitals are sharing this meagre funding allocation with Wollongong Hospital, according to an answer from the Minister for Health to a question I asked. The upgrade of Shellharbour Hospital must begin in the 2014-15 budget. It has been said that demography is destiny. It is time for the Government to get on with the task of building the infrastructure required for roads and health services for the growing population in my electorate.

### ORANGE ELECTORATE TRANSPORT

**Mr ANDREW GEE** (Orange) [7.05 p.m.]: Public transport is an issue very close to the hearts of people west of the Great Divide. We are a long way from Sydney and moving around regional New South Wales can be very challenging for some people. It is why people take an active interest in improving transport links between regional communities and between our communities and Sydney itself. Under the current Government there has been a renewed commitment to improving vital transport links. A good example is the Wellington to Dubbo bus service. It is hard to believe that up until the intervention of the transport Minister, the community of Wellington had effectively been isolated from its largest neighbour for decades.

Thanks to the Minister there are now multiple services between Wellington and Dubbo and the service also links in with Narromine. This means that for the first time people without a car can travel to Dubbo for work, to undertake education and training, to visit the hospital or a doctor, to shop or to simply go to the movies, all on a pensioner fare. The service has been very well utilised and is greatly appreciated by the people of Wellington. The Government recently committed more than \$1.27 million to extend the runway of the Orange airport. We view improved air links with Sydney as vital to the development of regional New South Wales. At the moment we have two operators providing a commuter service between Orange and Sydney but we cannot take them for granted. We need to be investing in the infrastructure that will lead to the upgrading of these crucial air links. This is a joint project between the State and Federal governments and Orange City Council. I thank the Deputy Premier for his support of that project.

Another great initiative is the daily rail commuter service between Bathurst and Sydney—the Bathurst Bullet—an excellent initiative that we all applaud. The service is well patronised and the people of Orange are keen to support it. But herein lies the problem. The Bullet currently departs Bathurst for Sydney at 5.49 a.m. Orange has a CountryLink bus service to Sydney that departs Orange at 5.20 a.m. It arrives in Bathurst at 6.05 a.m., thereby missing the Bullet by just 16 minutes. On the way home the CountryLink coach departs Bathurst for Orange at 9.21 p.m. The Bullet arrives at Bathurst from Sydney at 9.35 p.m., thereby missing a link with the Orange coach by a mere 14 minutes. This timetabling anomaly has caused some angst amongst my constituents in Orange. Many have spoken or written to me on the issue. These include constituents such as Peter Edwards of Orange, and Kathryn Blunden, to name just a couple—real constituents with real concerns.

The common theme amongst these constituents is frustration. These people wish to support the Bullet service but are frustrated that the current timetable does not allow them to do so. I have been working with the Minister and her office to find a resolution to this issue for many months. The Minister has had a lot on her plate. We have had the major reform of the creation of NSW Trains and the recent appointment of a new chief executive officer. All of those issues have had to be dealt with by the Minister. I have met the new chief executive officer of NSW Trains twice and I have raised the issue with him as well. To their credit both the Minister and the chief executive officer of NSW Trains have expressed a willingness to work through the issue and that is what we have been doing. I thank the Minister for her open-minded approach to this issue. She is a breath of fresh air in this portfolio.

It is important to bring issues like this before the House, and draw to the attention of the Parliament just how important the issue is to the people of Orange. At the end of the day we are seeking an adjustment of the morning and evening coach services to Orange to allow them to link in with the Bathurst Bullet. After all, if we



as a human race can put a man on the moon, if we can find cures for diseases that have plagued us for centuries, surely we can find a way to tweak the CountryLink coach service timetable between Bathurst and Orange by just a few minutes to enable it to link in with the Bathurst Bullet. It should not be beyond us to do so.

I once again thank the hardworking Minister for Transport for listening to the concerns of my constituents. I am certainly very grateful for efforts to date. She is a dynamic Minister and has repeatedly demonstrated her willingness to support regional communities. She can be judged not just by her words but by her actions, which as I have noted above have been significant and meaningful. I believe she is a true friend of the country and I look forward to continuing to work with the Minister and her office to find a solution to this vexed issue that has caused so much concern amongst my constituents. Bringing this issue to the attention of the House is an important part of the resolution process, and I will continue to do so on behalf of the people of Orange.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [7.10 p.m.]: I praise the member for Orange for his ongoing commitment to the people of his electorate and to public transport, whether it is the Bathurst Bullet or the runway extension. Making public transport more accessible and thus enabling people from regional areas to visit our fine city of Sydney will enhance job opportunities and improve the economic viability of the great town of Orange. I know that the member for Orange is deeply committed to that aim and will continue to champion the cause. I am sure that under his guidance, and with the support of the Minister for Transport, Orange can look forward to great things in the future.

#### **MEMBER FOR MOUNT DRUITT**

**ACTING-SPEAKER (Ms Sonia Horner)**: Before I call the member for Mount Drutt, I congratulate him on his 30 years of service to the community.

**Mr RICHARD AMERY** (Mount Drutt) [7.11 p.m.]: Thank you, Madam Acting-Speaker, for those words. This afternoon the Speaker was kind enough to recognise that today, 22 October 2013, is the thirtieth anniversary of my election to this Parliament in 1983. That acknowledgement followed words in the caucus by the Labor leader, John Robertson, of which I was equally appreciative. At a time when as a community we are reeling from the shock and devastation of bushfires that have affected a number of people around this Parliament, including staff in my office, I must say this week did not put me in the mood for celebration—not even after Labor's great win in the Miranda by-election. But I do want to say a big thank you to the community that I have been honoured to represent over so many years for their great support on a day-to-day basis, for electing me to this Parliament 30 years ago today and for then re-electing me a further eight times.

Their support continued when Labor won general elections and on three occasions when we did not—namely, 1988, 1991 and 2011. In addition to that support from the community, I am sure all members would agree that I have been blessed to have a supporting family. My wife, Marie—sometimes I refer to her affectionately as "the home secretary"—and I have been married for nearly 40 years. When I was elected our oldest child, Deborah, was just short of her seventh birthday and our youngest, Roy, was just short of his fourth birthday. Neither can recall a time when I was a policeman. Last but not least, the Labor branches and the State Electoral Council have been the backbone in my role as a member of Parliament and at the forefront of many local campaigns—too many to mention in the five minutes available to me tonight.

A lot has changed in the Parliament over the years but much has stayed the same. When I was sworn in, on 1 November 1983, the Premier was Neville Wran and the Leader of the Opposition was Nick Greiner. There was only one woman in the Cabinet. I cannot imagine that happening today—not at a State level anyway. Monitoring of the Chamber was by audio only. Question time was held at the same time each day but the press gallery was full. Local members had only one staff member—something that was not corrected until 1985, the last time that the staff of members of Parliament was increased by a full-time member. Private members' statements did not exist and speaking times were longer. Members did not play with electronic devices when their Premier or leaders were talking.

Those are just some of the changes that I have time to mention. I have had relatively few staff changes during my time in this place. My first secretary, Pat Hatch, went on to become my private secretary when I was Minister for Agriculture. She still does relief work for me in the electorate office. Leisa Cabban was a 16-year-old school leaver who started work in my office in 1985. She is now my electorate secretary and practically runs my political life, sharing her week with Sarah Hatch, Pat's daughter-in-law, who is in her second stint in my office. Lorraine Strath started work when I was a Minister and, like Leisa, also has a long service

award for more than 10 years service to Parliament through the electorate office. I acknowledge past employees such as Yvonne Hajgato, Michelle Emmerson, Colleen Michael and Ann Platovnjak, who also worked in my office at various times. Yvonne was in the ministerial office after working in the electorate office between 1995 and 1999. All members will know Jan Clifford, who has been secretary to the Labor Party Whip since the days of Bill Beckroge.

There are too many issues, campaigns and debates over such a long time to list in the short time permitted for a private member's statement. In my electorate role I will always remember with some degree of pride the campaign for a senior high school in the 1980s and 1990s as well as lobbying to get projects such as the easy access upgrade for Mount Druitt railway station through Minister Scully, the Mount Druitt courthouse through Minister Debus and the commuter car park, for which I personally thank former Premier Kristina Keneally. In Parliament, as shadow Minister I am proud of the fight to bring in conveyancing reforms—I know the lawyers will not be happy about that—and farm debt mediation. As Minister, I am proud of animal welfare reforms, the decentralisation of agricultural research, the farm dams policy and general water reform. The appointment of Ron Woodham as the first prison officer to be commissioner will rank high on any future list.

As I have been around for so long I must acknowledge that some of the events I recall are not happy ones. I recall the anger when one of our State members was murdered. The assassination of John Newman is a stain on our system of parliamentary democracy. I recall the sadness of losing young men like Andrew Ziolkowski, then member for Parramatta, who was only 29 when he died of cancer, Tony Doyle, former member for Peats, and John Bartlett, former member for Port Stephens—a decent man—also died of cancer. They come to mind on a very incomplete list of people whose loss I remember as a tragedy even though I remember them with fondness. The one that would top any list of mine is the loss of my best mate in this place, Jim Anderson, who died at Mount Druitt Hospital on election day 2003—a morning I will never forget.

In conclusion, I thank all members on both sides of the House who were kind enough to wish me well on my thirtieth anniversary as a member of Parliament. I wish they could all have the opportunity to serve for 30 years in this place. But if that were to happen Labor would never return to government so I do not want all of them to have 30 years service. I remind Government members that, irrespective of how long it takes, Labor will one day form government again. Whether members serve 30 days or 30 years, we should all remember that to be elected to this Parliament is a great honour and a privilege. We should always remember that other people—our family, our party and our constituents—put us here and keep us here. I thank the House for its indulgence.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [7.16 p.m.]: I acknowledge the member for Mount Druitt for his fine work over 30 years in this place. I was amazed at the number of his achievements in Parliament. That certainly requires considerable dedication and commitment. During my short time in this place I have always admired the calm and collected manner in which the member for Mount Druitt conducts his business. Even though we are on different sides of politics, I have learnt a lot from him. I made an aside earlier to the Acting-Speaker about the member's achievement regarding the local high school and we came to the conclusion that we are of the same vintage and could have gone to school together. I know the deep sacrifice made by the wives and families of members of Parliament. We could not do our job without the support of the people at home. I congratulate the member for Mount Druitt, and hope that he continues to serve the great people of his electorate.

#### TRIBUTE TO LAURIE DUFFY

**Mr BART BASSETT** (Londonderry) [7.17 p.m.]: I too congratulate the member for Mount Druitt, who represents a neighbouring electorate. He is one of the gentlemen of politics. He is a gentleman at all times, whether in the corridor or in this Chamber. I congratulate him on 30 years of service. The member for Mount Druitt referred to the devastating fires that are raging as we speak and that have caused immense damage. Tonight we are waiting to see what tomorrow will bring. Over the past week we have seen just how ferocious bushfires can be, with the lives of hundreds of people suddenly and cruelly changed forever. Since the outbreak of the fires last Thursday afternoon I, along with other members from electorates that were or are under threat, have been on the ground supporting our communities and firefighters. Last night I attended a community briefing at the Yarramundi fire shed with the Federal member for Macquarie, Louise Markus, and the Mayor of Hawkesbury, Kim Ford, who is a life member of the Yarramundi Rural Fire Service.

No-one knows what tomorrow will bring and I know that everything is being done to fight the fires. The advice is that it is going to be a very bad day. Rural communities in the Hawkesbury local government area are preparing for the worst, with evacuation centres at the ready and government and non-government agencies

such as the Salvation Army, Red Cross and St John Ambulance, to name a few, on the ground to provide assistance. We owe a debt of gratitude to the men and women who put their lives at risk to fight the forces of nature and who are out there right now—and have been out there every day and night recently—protecting communities and getting ready to face tomorrow what could be one of the worst fire storms in our State's history.

Tonight it is with sadness that I pay tribute to a long-serving volunteer firefighter who passed away on 13 September this year. Laurie Mark Duffy was a longstanding resident of Grose Vale. Laurie was an all-round good bloke who loved his family and his community. Laurie's grandparents, Michael and Theresa Duffy, moved to Hawkesbury from Thornleigh in the late nineteenth century and settled in what was then South Kurrajong but in 1929 was renamed Grose Vale. His parents, Mark and Vesta, ran an orchard on Cabbage Tree Road and in the 1960s purchased the Grose Vale post office. The business expanded to include a service station, general store and buses, and in an era before smart phones, the internet and such things as the member for Mount Druitt's laptop—an old typewriter—they ran the local telephone exchange that needed to be manned 24 hours a day.

Laurie and his brother Don ran the orchard as well as helping their parents with the family business. Following Laurie's marriage to Margaret, they ran the post office, garage and general store, known locally as Duffy's store. Laurie worked hard in the business and was active in the local community. Laurie followed his father, Mark, into the Rural Fire Service and last year received his long service medal for 56 years of continuous and active service. Laurie's father was one of the founders of the Grose Vale brigade and Laurie served in a number of leadership positions within the brigade, including as captain and president.

Laurie was—and his wife, Margaret, is—well known in Grose Vale, where they ran the general store, post office and garage. I came to know Laurie when I was mayor of Hawkesbury. I always appreciated his candour, knowledge and passion for the rural community. In 1976 the Department of Education closed Grose Vale and Grose Wold Primary Schools and opened a new school, Grose View Public School. Laurie was elected as the first president of the new school's parents and citizens association. I know that Laurie will be sorely missed by all those who were fortunate to meet him and work with him, and we are thinking of his family during their time of grief.

I extend my condolences to his wife of more than 50 years, Margaret, to their children, Deborah, Peter, Robert and Stephen and their partners, and to 13 grandchildren and two great grandchildren. I pay tribute to his life and his contribution to the Hawkesbury district. Laurie was a farmer, businessman, volunteer firefighter, family man and, above all, a true community champion. He was a top bloke who will be sorely missed. I am sure that Laurie is watching over his brigade as they prepare for tomorrow's fire events and, with his more than 50 years of service to that brigade, I am sure the present members will look to him for inspiration.

## STATE BUSHFIRES

**Mr MATT KEAN** (Hornsby) [7.22 p.m.]: I place on the public record the great respect I have for the member for Mount Druitt. Thirty years of public service does not happen by accident; it takes a lot of hard work and support from family and friends. It is a credit to the member that he has not only survived in this place for so long but thrived. I note his commitment to public service not only as a member of Parliament but as a former member of the Police Force. I know that public service runs in his family, and he holds it dear to his heart. Those in the House who share that commitment and belief, regardless of politics, will join me in acknowledging what the member for Mount Druitt has achieved in this place on behalf of the people of New South Wales.

Today I pause and pay my respects to the hundreds of bushfire victims in New South Wales who are doing it tough. This year's summer bushfire season has arrived earlier than expected and left a trail of destruction across many of our local communities. The need to remain vigilant and prepare households properly for bushfires is paramount as the warmer weather intensifies in coming months. New South Wales has previously experienced deadly bushfire seasons and one month into this year's danger period it is looking particularly ominous. In Hornsby preparations are underway, with large sections of bushland recently burnt off by several hazard reduction burns. This practice is an essential safeguard for our community as it provides a necessary buffer zone for firefighters to better control severe fires.

My part of the world has been devastated by bushfires in the past. The shire is known as the "Bushland Shire", which carries with it the ever-present threat of bushfires. I commend the Hornsby/Ku-ring-gai District Rural Fire Service and the New South Wales Fire Brigade for their ongoing, tireless efforts in my electorate to protect our beautiful bushland shire. In particular, I commend the wonderful work of Inspector Mark Sugden,

Talone Higgins and Pete Marshall, who runs the Hornsby/Ku-ring-gai District Rural Fire Service. I further commend the captains and crews of the 15 Rural Fire Service brigades in the Hornsby shire. As members will know, Hornsby shire and the neighbouring electorates of Ku-ring-gai, Hawkesbury and Gosford adjoin large expanses of national park, which is both a blessing and a significant safety risk for residents who call this bushland area home.

I remind residents to be wary of the potential bushfire risks this summer. Each resident must make sure that their property is prepared properly and have a bushfire survival plan in place in case of emergency. Planning ahead will make all the difference—for residents and fire crews alike—when staying to defend a household or evacuating to avert danger. Proactive fire prevention steps may include removing dry leaves from gutters, ensuring that wood piles are stored well away from the house and keeping surrounding grassy areas mowed short. Another essential fire prevention step is to make sure that your backyard hose is long enough to reach all parts of the household. Last week more than 100 fires were burning across the State, including 36 uncontained blazes at Winmalee, in the Blue Mountains and on the Central Coast. Initial reports suggest that well over 300 homes have been lost and fatalities have been reported.

As a community representative, it saddens me to hear those tragic stories and to see those caught up in the disaster-hit areas. Our thoughts and prayers are with all those affected at this difficult time. I assure residents that the State Government is behind the community completely; we will support you during your hour of need. The Rural Fire Service crews have done a remarkable job in trying conditions, working around the clock to protect our communities and giving vital updates to residents in fire-affected areas about when to evacuate their homes. At this point I again acknowledge the 15 Rural Fire Service crews from the Hornsby district who have travelled to the Blue Mountains and the Central Coast to assist in the firefighting effort. They are an example to us all.

I reiterate the calls of NSW Rural Fire Service Commissioner Shane Fitzsimmons to listen to fire safety updates and obey fire crew instructions in disaster-hit areas. My electorate of Hornsby recently experienced two bushfires in the Mount Colah and Dural areas. They were much smaller than the fires recently seen in the Blue Mountains but it is a timely reminder to remain vigilant. On 10 September it is believed a carelessly discarded cigarette butt caused a grassfire at Mount Colah. This careless act by one selfish individual threatened the homes of a number of local residents. The grassfire, coupled with high winds and extreme temperatures, fanned several other fires across Mount Colah and for more than an hour closed both the Pacific Highway and the M1. Luckily nobody was injured in the blaze and only a small number of properties were affected.

It is a reminder, however, that even the smallest fire can have disastrous consequences. I commend the local Rural Fire Service crews for the superb job they are doing. I ask residents to be mindful of changing weather conditions, which can often alter bushfire conditions quickly and to call 000 if they spot an unsupervised fire. Let us hope that firefighters are able to contain the fires that have gripped New South Wales over the past week and prevent other fires from occurring during the coming summer months.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [7.27 p.m.]: I praise the member for Hornsby and previous speakers today who have commended and supported the hardworking Rural Fire Service and its fine commissioner, Shane Fitzsimmons. As we know, the Rural Fire Service is facing a challenging night and an extraordinarily challenging day tomorrow. I know that members on both sides of the House are supporting the hardworking volunteers and trying to understand the devastation facing many residents. Unfortunately, fire is a fact of life in this great State and this great nation. I am touched by the number of volunteers who have travelled from interstate to support their comrades in arms in fighting fires and protecting lives. To date, only one life has been lost and hopefully we will be able to say the same thing this time tomorrow. Our hopes and prayers are with those hardworking volunteers.

**Private members' statements concluded.**

## **NATIONAL WEEK OF DEAF PEOPLE**

### **Matter of Public Importance**

**Mr BART BASSETT** (Londonderry) [7.28 p.m.]: The National Week of Deaf People is commemorated from 19 to 25 October, and the theme this year is "Equality for Deaf People". It is hard to quantify how many people suffer from hearing impairment in Australia. Research undertaken by the South Australian Centre for Population Studies in Epidemiology on behalf of the Department of Human Services in

1998 estimated that 3.25 million people over 15 years of age in Australia have a hearing loss greater than 25 decibels. That is more than 16 per cent of the population. Auslan Signbank advises that about 6,500 profoundly deaf people use its interpreter services.

I was hoping to have an interpreter with me tonight to interpret members' contributions to this debate, but unfortunately interpreters from the Deaf Society of NSW are booked out two weeks in advance. I thank Sharon Everson, the society's chief executive officer, and Leah Brown from the society's interpreting service for their assistance in trying to get an interpreter here for tonight's debate. It would be remiss of me not to acknowledge also the Clerk, Ronda Miller, and Luke Sukora, from the Speaker's office, who were extremely helpful when I raised the idea. The Clerk went out of her way to help with the logistical arrangements, and I thank her and her officers for their professionalism and understanding of the need to provide services for people with disabilities.

There is an obvious need for interpreters so that profoundly deaf people can access services that we take for granted. At present this city is surrounded by fires and tens of thousands of people are glued to televisions and radios getting up-to-date information about the location of the fires and whether they need to evacuate. It is a very tense situation, but I ask members to imagine how difficult it would be to deal with if they were profoundly deaf. The devastating bushfires sweeping through parts of the State have highlighted the need for timely and accurate information for all. I was pleased to see an Auslan interpreter at the Rural Fire Service media briefings providing a service for deaf people. That is why the service is stretched to the limit. As part of the National Week of Deaf People 2013, the Minister for Disability Services, the Hon. John Ajaka, joined the Deaf Society of NSW, the University of Wollongong and emergency services to launch a report aimed at keeping the deaf community informed during times of disaster such as the current bushfire crisis.

The joint report entitled, "Increasing the Resilience of the Deaf Community in New South Wales to Natural Hazards and Disasters", is the result of a comprehensive two-year study and outlines the issues faced by the deaf community during disaster or emergency situations. While the study details the difficulties faced by those who have hearing impairment, it also acknowledges the work that government agencies are already doing—such as the inclusion of visual clues, diagrams and the use of Auslan interpreters at emergency briefings. As I said, we have seen them daily at Rural Fire Service media briefings. We always learn from experience and the report identifies 19 programs, strategies and communication tools that may be implemented to empower people with hearing impairments. It states:

Guided by this report, the NSW Government will be able to work towards empowering people in the deaf community, allowing for greater participation and to make better informed decisions about issues that affect them.

The Government, through the Department of Family and Community Services, has allocated more than \$10 million in funding in the 2013-14 financial year to provide services for people with sensory disabilities, including vision impairment. Last year the former Minister for Disability Services, the Hon. Andrew Constance, officially launched the Smoke Alarm Subsidy Scheme. The scheme is a joint initiative between the Deaf Society of NSW and Fire and Rescue NSW, made possible by funding from the Government through Ageing, Disability and Home Care. The Government is providing the project with \$2 million over three years to be spent on alarms for people who are deaf, deaf and blind, and hard of hearing.

My late grandfather told me that we should walk a mile in someone else's shoes. It did not make much sense to me as a boy—in fact, I probably dismissed it. However, as an adult and as a member of Parliament, I see people who have a disability and who must endure all sorts of hardships and struggles on a daily basis. It is easy for us to get on a train, but it can be a nightmare for someone with a disability. Of course, people with vision impairment face similar difficulties and Guide Dogs Australia does an incredible job raising awareness of their challenges. Raising awareness of the difficulties faced by the deaf in our community is equally important.

**Dr ANDREW McDONALD** (Macquarie Fields) [7.33 p.m.]: I thank the member for Londonderry for drawing the attention of the House to the National Week of Deaf People 2013. We are at a crossroads with deafness or hearing impairment. Many people who are deaf or hard of hearing suffer significant discrimination, and that is why this week is so important in raising awareness of their plight. The former Labor Government introduced universal newborn hearing screening to ensure that children with a congenital hearing impairment are diagnosed within the first three months of their lives. Before the screening was introduced only 50 per cent of newborn children with an impairment were identified. These days children are diagnosed early and undergo early intervention therapy. When they start school they do so with near-normal language skills, even if their

parents are bilingual. I regularly see children who speak two languages even though they are deaf because they had early intervention therapy and were fitted with a cochlear implant at an early age. The Shepherd Centre, which is in my electorate, provides world-leading early intervention therapy for children.

Our ageing population is another reason for the increasing rate of hearing loss in this country. Improvements in hearing aid technology have been significant, but more and more ageing Australians require cochlear implants. Only 20 per cent of adults between the ages of 25 and 74 who would benefit from using a hearing aid do so. One of the many reasons for that is the discrimination they suffer. Hearing aids do not restore normal hearing; they usually improve it by only 50 per cent. That means people with significant hearing loss still have a serious problem even if they wear a hearing aid. I stress that age is not the major issue; many elderly people can gain great benefit from wearing a hearing aid. I saw a deaf interpreter at the Rural Fire Service media briefing today, which is a milestone. That follows the launch yesterday by the Minister for Disability Services, the Hon. John Ajaka, of a report entitled, "Increasing the Resilience of the Deaf Community in New South Wales to Natural Hazards and Disasters", which was commissioned by the Hon. Peter Primrose. The report recommends that emergency announcements be translated into Auslan. That demonstrates how far we have come, but deaf people still suffer significant discrimination in the workforce and in the wider community.

The National Week of Deaf People is a vital week-long celebration of deaf individuals and the deaf Australian community. It is an initiative of the World Federation of the Deaf that has been adopted in Australia, and the theme this year is "Equality for Deaf People." The aim of the week is to celebrate deaf people's language and culture, to raise awareness of the issues affecting deaf people, and to promote their interests in the community. It enables them to promote their rights and to voice their concerns as citizens, to highlight their skills and achievements, to promote community awareness of the barriers confronting deaf people, and to encourage everybody affected by deafness, such as children and their families, deaf adults, and teachers and workers involved with the deaf, to participate in and support this celebration.

This week Breda Carty and David Parker launched a wonderful website detailing the history of deaf people in Australia. The World Federation of the Deaf held its second international conference in Sydney last week, attended by delegates from all over the world. The Parliament also hosted 120 deaf and hard of hearing students, who were addressed by international deaf leaders. Like his parents, Colin Allen, the Australian President of the World Federation of the Deaf, is deaf. An afternoon tea to celebrate the 100th anniversary of the Deaf Society of NSW was held last Sunday at Sydney Town Hall—the site of its inaugural meeting 100 years ago. This is an extremely important issue and I again thank the member for Londonderry for raising it.

**Mr CHRIS HOLSTEIN** (Gosford) [7.38 p.m.]: I speak in debate on the matter of public importance raised by the member for Londonderry—an honourable gentleman—regarding National Week of Deaf People 2013 and the report entitled, "Increasing the Resilience of the Deaf Community in New South Wales to Natural Hazards and Disasters" and note that the member for Londonderry referred to the proportion of the population over 15 that are hearing impaired. I received advice from a Victorian study that shows that 22 per cent of our population have some degree of hearing loss. I know people who suffer from deafness as my wife's family has several members who are profoundly deaf. I am well aware of the difficulties in communicating with them, but my experiences have been in a congenial, relaxed environment. In a stressful emergency situation it would be a very different story.

We are living in dangerous times not only for our emergency services but also for residents forced to evacuate their homes. The fire emergencies have highlighted the importance of timely and accurate information for everyone. However, for those in the community suffering from hearing impairments the fires and any emergency situation would pose a monumental challenge. The "Increasing the Resilience of the Deaf Community in New South Wales to Natural Hazards and Disasters" report, a comprehensive two-year study, outlines the difficulties faced by those with a hearing impairment and this Government's response to those issues. The report identifies 19 programs, strategies and communications tools that may be implemented to empower people with hearing impairment.

At present government agencies undertake the inclusion of visual cues, diagrams and Auslan interpreters in emergency broadcasts. In 2013-14 the New South Wales Government, through the Department of Family and Community Services, provided more than \$10 million for services for people with sensory disabilities, including vision impairment. Undoubtedly all these steps will assist those with a hearing impairment to make informed decisions during emergencies. It is important to ensure that all members of the community are given accurate information during times of distress. This Government is committed to realising that goal. I applaud the raising of this matter of public importance.

**Mr BART BASSETT** (Londonderry) [7.41 p.m.], in reply: I thank members for their support for the National Week of Deaf People—equality for deaf people. We must continue to highlight the importance of assistance for people with a disability and what is being done for them in our community. In my earlier contribution I referred to Guide Dogs Australia and what it does for the vision impaired. I also mentioned that when we came into office there were no tactile tiles on platforms. At Richmond station a gentleman fell between the platform and the train because there were no tactile tiles, but it took quite a while before the matter was taken seriously. We arranged for tactile tiles for platforms very soon after coming into office.

I also mentioned the importance of alarms for deaf people and the need for early cochlear implant intervention for the hearing impaired. I remember meeting a person involved in cochlear implants. He told me how important an early diagnosis is so that the implant can take place as soon as possible. The ability of a hearing-impaired person to talk is greatly improved if the cochlear implant is done in the early years so that the person can pick up language skills. If the implant takes place only later, picking up speech is much more difficult. I referred earlier to my grandfather walking in somebody else's shoes. My grandfather was in the Navy during World War II, working around ship engines. He was as deaf as the post, and everybody else in the house could have been made hard of hearing because of the volume at which he played the television so he could hear it.

Recently there have been advances in technology to improve hearing aids, which are a godsend to hearing-impaired people. These days deafness is seldom caused by workplaces due to better protection of hearing, but older people with hearing impairment benefit greatly from the technology built into current hearing aids. Many hearing-impaired people said in the past that they would prefer not to go to restaurants because it was too difficult to communicate with others. However, advanced technology in hearing aids means that hearing-impaired people can enjoy everyday pleasures such as going to restaurants and communicating with friends. I urge all those who support National Week of Deaf People—equality for deaf people—to support all those with a disability.

**Discussion concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 7.44 p.m. until  
Wednesday 23 October 2013 at 10.00 a.m.**

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